

SANSAR C. SHARMA
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

September 21, 2020

1

1
2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 -----x
5 AMRO ALI, M.D.,

6 Plaintiff,

7 -against- No. 1:19-cv-08324

8 WESTCHESTER MEDICAL CENTER AND NEW YORK

9 MEDICAL COLLEGE,

Defendants.

10 -----x
11
12
13 VIDEOTELECONFERENCED DEPOSITION OF

14 SANSAR C. SHARMA

15 New York, New York

16 Monday, September 21, 2020
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19
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21
22

23 Reported by:

24 Aydil M. Torres, CSR

25 JOB NO. J6033877

September 21, 2020

11:01 a.m.

VTC deposition of SANSAR C.
SHARMA, held at 15 Engle Street,
Cresskill, New Jersey, pursuant to
Notice, before Aydil M. Torres, a
Notary Public of the State of
New York.

A P P E A R A N C E S:

ROBERT W. SADOWSKI, PLLC

Attorneys for Plaintiff

800 Third Avenue

New York, New York 10022

BY: ROBERT W. SADOWSKI, ESQ.

MEYER SUOZZI ENGLISH & KLEIN

Attorneys for Defendants

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BY: PAUL MILLUS, ESQ.

ALSO PRESENT:

Newman Hoffman, Esq.

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED
by and between the attorneys for the
respective parties herein, that filing,
sealing and certification and the
same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the
form of the question shall be reserved
to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
and sworn to before any officer authorized
to administer an oath, with the same force
and effect as if signed and sworn to before
the Court.

1
2 S A N S A R C. S H A R M A,

3 called as a witness, having been
4 duly sworn by a Notary Public, was
5 examined and testified as follows:

6 THE REPORTER: Please state
7 your full name for the record.

8 THE WITNESS: Sansar C.
9 Sharma.

10 THE REPORTER: Please state
11 the address you're currently
12 located.

13 THE WITNESS: 15 Engle
14 Street, E-N-G-L-E, Street,
15 Cresskill, C-R-E-S-S-K-I-L-L, New
16 Jersey 07626.

17 EXAMINATION BY

18 MR. SADOWSKI:

19 Q. Good morning, Dr. Sharma. My name
20 is Robert Sadowski.

21 A. Good morning.

22 Q. I represent Dr. Amro Ali in a suit
23 brought by him against Westchester Medical
24 Center and New York Medical College. Have
25 you ever been deposed before?

1 Sansar C. Sharma

2 A. No.

3 Q. Okay. So some -- some basic rules,
4 one of the most important is that you wait
5 until I finish my question, before you begin
6 to answer, and that is so that the court
7 reporter can accurately take down what each
8 of us say, because if we speak over one
9 another, the court reporter can't take down
10 both of us speaking at the same time.

11 A. Okay.

12 Q. If at any time you want to take a
13 break, let me know. I would ask you, though,
14 that if there is a question pending, you
15 answer the question, before we take a break.
16 If you don't understand any of my questions,
17 please let me know. When you answer my
18 questions, I'm going to assume you have
19 answered them to the best of your ability and
20 comprehensively. Is there -- have you taken
21 any medication or any substance that could
22 affect your ability to testify truthfully
23 today?

24 A. No.

25 Q. Dr. Sharma, where are you employed?

1 Sansar C. Sharma

2 A. New York Medical College in
3 Valhalla, New York.

4 Q. And how long have you been employed
5 there?

6 A. Since July 1, 1972.

7 Q. And what is your current position
8 there?

9 A. Professor of ophthalmology and cell
10 biology and anatomy.

11 Q. I heard "ophthalmology," "anatomy,"
12 and what was the third?

13 A. Two different names. It's called
14 cell biology and anatomy.

15 Q. Thank you. Can you tell me where
16 you received your training?

17 A. Emboro, Scotland. University of
18 Emboro Medical School in Scotland.

19 Q. What degree did you obtain there?

20 A. PhD and physiology.

21 Q. Dr. Sharma, what year did you
22 receive your PhD?

23 A. 1967.

24 Q. In addition to your PhD, are you
25 also an MD?

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1 Sansar C. Sharma

2 A. No, I am not.

3 Q. Do you know Dr. Amro Ali?

4 A. Yes.

5 Q. How do you know him?

6 A. He worked in my lab for many years.

7 Q. What years?

8 A. He joined sometime in October of
9 2015.

10 Q. And is he still working there?

11 A. No, he is not.

12 Q. When did he cease working at your
13 lab?

14 A. Sometime in 2018.

15 Q. What institution is your lab at?

16 A. New York Medical College.

17 Q. And what were Dr. Ali's duties and
18 responsibilities at New York Medical College?

19 A. He worked in my lab as a research
20 associate, which means that we were doing
21 experiments, he designed experiments, we
22 worked with them, and he wrote the
23 manuscripts, which I corrected and published.

24 Q. Was Dr. Ali paid as a research
25 associate?

1 Sansar C. Sharma

2 A. No.

3 Q. Why not?

4 A. Because before he started, I
5 discussed with him that I don't have the
6 money to support him, he has to work as a
7 volunteer person, and he agreed to that, and
8 that, we continued.

9 Q. Was there any discussion of what he
10 would receive in return for his voluntary
11 services?

12 A. No.

13 Q. Was there any discussion with
14 anyone else that Dr. Ali would be rewarded
15 for his services as a research associate?

16 MR. MILLUS: Objection as to
17 form. You may answer.

18 A. No.

19 Q. Did you ever discuss with Dr.
20 Wandel that by virtue of Dr. Ali performing
21 the research activities, he would be granted
22 a residency at Westchester Medical Center?

23 A. Not.

24 Q. Sorry?

25 A. No. The only discussions I have

1 Sansar C. Sharma

2 was that I will propose his name for the
3 residencies.

4 Q. And with whom did you have those
5 discussions?

6 A. With Dr. Wandel.

7 Q. Did you have those discussions with
8 anyone else?

9 A. Nope.

10 Q. Okay. Do you know if Dr. Wandel
11 discussed Dr. Ali becoming a resident with
12 anyone else?

13 A. Not to my knowledge.

14 Q. Okay. He never informed you of
15 discussions he had with anyone else about Dr.
16 Ali becoming a resident?

17 A. Who is "he" you're talking about?

18 Q. Dr. Wandel.

19 A. Nope.

20 Q. All right. How did you first meet
21 Dr. Ali?

22 A. A year or so before he joined me,
23 he stopped by in the lab, he knew what I do,
24 my work, and I had appointment with New York
25 -- excuse me -- New York Eye and Ear. That

1 Sansar C. Sharma
2 was our main department for ophthalmology
3 those days, and he had worked there. He had
4 known about me, and he stopped by to talk to
5 me about what's going on, and what are the
6 situation in the lab, and that was sometime
7 in 2014. And in 2015, October, he ask me can
8 he join the lab under the conditions, and my
9 point were that I have no money, but he is
10 more than welcome to join. I cannot support
11 him.

12 Q. What other conditions of his
13 joining your lab did you discuss?

14 MR. MILLUS: Objection as to
15 form. You may answer.

16 Q. You may answer, Dr. Sharma.

17 A. Oh, would you repeat the question
18 again, please?

19 MR. SADOWSKI: Yes, can we
20 have it read back?

21 (Whereupon, the requested
22 portion was read by the reporter.)

23 A. There were no conditions, other
24 than the fact that he is entrusted -- he was
25 interested in becoming a resident, and I said

1 Sansar C. Sharma

2 that once he joined my lab, and if the work
3 goes fine, I will highly recommend you to the
4 department for the residency.

5 Q. And before Dr. Ali joined your lab,
6 did you discuss that condition with Dr.
7 Wandel?

8 A. Nope. Dr. Wandel has no role in my
9 hiring or firing anyone in my lab.

10 Q. Did Dr. Ali and Dr. Wandel have
11 interactions, that you know of?

12 A. To the extent that there are
13 department seminars in the campgrounds, he
14 attended, and he met most of the faculty.

15 Q. Did Dr. Ali produce research and
16 papers for you?

17 A. Total number of papers he published
18 are eight, and that's with me. He wrote
19 grants and he had published two chapters
20 while he was in my lab. Two chapters --
21 without my name on that -- without -- in a
22 couple of books.

23 Q. How many grant proposals did he
24 write?

25 A. I think, two.

1 Sansar C. Sharma

2 Q. Did he provide any lectures?

3 A. In 2017, or '18, he gave two
4 clinical lectures to the residents, which I
5 teach them all the time, but he did two
6 lectures.

7 Q. Okay. You said these were clinical
8 lectures -- in what area?

9 A. To the residents in ophthalmology.

10 Q. Can you tell me what an "IRB" is?

11 A. IRB -- I don't understand what
12 "IRB" stands for, but it's a procedure
13 through which applications are written and
14 applications are reviewed by the committees,
15 and there are two committees, internally, if
16 it's a clinical application, which will be
17 IRB4, is a recommendation that you should be
18 allowed to proceed further on the research
19 you are proposing, especially on patients for
20 clinical data, you require pre-approval by
21 IRB. It's a separate committee of IRB in
22 America College, and separate committee or
23 IRB in the hospital in the Westchester
24 County.

25 Q. In Dr. Ali's research, did he

1 Sansar C. Sharma

2 collaborate with any other departments?

3 A. During that time he was with me?

4 Q. Yeah.

5 A. No.

6 Q. He didn't have interactions with
7 general surgery?

8 A. He went there to discuss with them
9 what's going on because one of the proposal
10 he had were -- dealt with the patients coming
11 from the surgery, and he discussed with the
12 in charge for that surgery a few times.

13 Q. And did he have interactions with
14 the bariatric department?

15 A. That's part of the department of
16 surgery.

17 Q. Okay. Did Dr. Wandel's name appear
18 on any of Dr. Ali's research?

19 A. Yes, all of them. Which were done
20 in my high lab, during that time. What he
21 has done before that, I have no idea.

22 Q. Okay. So both your name and Dr.
23 Wandel's name appeared on Dr. Ali's research
24 work?

25 A. The publications, yes.

1 Sansar C. Sharma

2 Q. Okay.

3 A. And they all clinical publications.

4 Q. When you say, "clinical
5 publications," what does that mean?

6 A. Research is done two different
7 ways. My lab produces most of the work which
8 is on the animals and experimental animals
9 and experimental research. Clinical research
10 is you take the patients which you have
11 worked on, you pull the record, and you
12 evaluate where they are, and then you write a
13 paper on those. That's the clinical work.
14 There are many other clinical aspects, but
15 his work was mostly on the clinical aspect
16 done in the previous institution he was in,
17 and he came and sat down and evaluated those
18 things and wrote the papers.

19 Q. And these papers, were they
20 published under the name of any institution?

21 A. They all published under New York
22 Medical College.

23 Q. And how was Dr. Ali referenced in
24 those publications?

25 A. You have to rephrase the question.

1 Sansar C. Sharma

2 What does "reference" mean?

3 Q. Did he have a title associated with
4 his name in those publications?

5 A. I -- even my name is not titled
6 there, but in publications, we don't write
7 the title of the appointments.

8 Q. I see.

9 A. Name appears.

10 Q. I see.

11 A. And the name of the institution
12 appears always.

13 Q. How would you compare Dr. Ali's
14 productivity in research and publishing
15 papers versus other members of the
16 department?

17 A. Very good.

18 Q. Would you say he was one of the
19 best?

20 A. Yes.

21 Q. Do you have any opinion as to Dr.
22 Ali's work ethic?

23 A. They were very good.

24 Q. How about his honesty?

25 A. I think that probably is his

1 Sansar C. Sharma

2 paramount situation. He is extremely honest
3 person. During the time he was with me and
4 the discussions we had, he was very honest.

5 Q. How were his professional reactions
6 with other -- interactions with others in the
7 department?

8 A. Excellent.

9 Q. Did Dr. Ali have interactions with
10 residents in the department?

11 A. Occasionally, yes.

12 Q. And could you characterize those
13 interactions?

14 A. Since I was not present in the
15 interactions -- I never got a feedback that
16 they were bad.

17 Q. Okay. Before you hired Dr. Ali,
18 did you review his curriculum vitae?

19 A. Yes.

20 Q. Did you review his board scores?

21 A. For the research, there is no
22 concern for reporting them, and I had zero
23 idea what he would do, and I never read his
24 scores for the Step 1 or 2. It didn't
25 concern for the research.

1 Sansar C. Sharma

2 Q. Do you know if anyone else at
3 either New York Medical College or
4 Westchester Medical Center knew of Dr. Ali's
5 board scores?

6 A. No, not until the point when he
7 wrote the application for the residencies.
8 He had to submit with that his CV and all the
9 details and the Step 1, 2 exam scores and
10 others. That's the package of the residency
11 program. Once he applied that, I am sure
12 people in the committee will know what his
13 scores were.

14 Q. Okay. Did you review Dr. Ali's
15 recommendation letters, before you hired him?

16 A. There was no need to because I know
17 exactly what he want to do, he was qualified.
18 I never reviewed. I never even requested
19 anyone to write a letter on his behalf so I
20 can evaluate it.

21 Q. Okay.

22 A. Because he came from our own
23 department. He was in New York Eye and Ear,
24 he worked there, so I was aware that he has
25 worked there.

1 Sansar C. Sharma

2 Q. When you hired Dr. Ali, was there a
3 need for the department to publish more
4 research?

5 A. Rephrase the question, please.

6 Q. Can you tell me what "ACGME" is?

7 A. Again, I couldn't hear you. Say it
8 again, please.

9 Q. Sorry. Can you tell me what
10 "ACGME" is?

11 A. It's the Accreditation Committee of
12 the department -- of the institution
13 Westchester Medical Center.

14 Q. Did ACGME ever report to New York
15 Medical College that it needed to produce
16 more publications?

17 A. Not to my knowledge.

18 Q. Okay. Have you ever seen ACGME's
19 evaluations of New York Medical College?

20 A. I am a member of the department of
21 ophthalmology, and I sit on the evaluation
22 committees, always, when recommendation
23 comes.

24 Q. Okay. Have you seen ACGME's
25 evaluation of the ophthalmology department?

1 Sansar C. Sharma

2 A. Since I sat on the committee
3 obviously I have seen them.

4 Q. Okay. Okay. Thank you. Can you
5 tell me what "uveitis" is?

6 A. "Uveitis" is the inflammatory
7 response in the eye due to uveitis, due to
8 any other things. Uveitis inflammations of
9 the eye tissue.

10 Q. Did Dr. Ali try to create a uveitis
11 clinic?

12 A. He discussed the issues with Dr.
13 Wandel, since we didn't have any specialist
14 of uveitis -- it's treated by other people as
15 well, but there is no specific person of
16 uveitis in the department, while he was
17 there. What he discussed with them, I am not
18 privy to that, but he was asked to give a
19 lecture on the uveitis in the department.

20 Q. Okay.

21 A. Which he did.

22 Q. Was the department of ophthalmology
23 at New York Medical College ever put on
24 probation by ACGME?

25 A. Yes.

1 Sansar C. Sharma

2 Q. When was that?

3 A. It would be in -- I have to guess.
4 I don't remember the exact date.

5 Q. Okay, we'll get some exhibits to
6 help you with that. Let's -- let's go
7 through some exhibits. Can everyone see the
8 exhibit?

9 A. Yes.

10 (Sharma Exhibit 1, E-mail,
11 marked for identification,
12 as of this date.)

13 Q. Okay. So I am showing you what has
14 been marked for identification as Sharma 1.
15 This is an e-mail from Amro -- Dr. Amro Ali
16 to you, dated October 21st, 2015. Do you
17 recognize this e-mail?

18 A. I do.

19 Q. Okay. Let me ask you first, who is
20 Dr. Wong?

21 A. He is the program director in --
22 what's that hospital in Manhattan? 96th
23 Street.

24 Q. Is that Metropolitan?

25 A. Metropolitan, sorry.

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1 Sansar C. Sharma

2 Q. Okay.

3 A. I have been there three times in my
4 life, in that hospital.

5 Q. Okay. Okay, and Dr. Ali sends you
6 an e-mail on October 16, to you, and it's
7 addressed to Drs. Wong, Wandel, and Sharma.
8 It says, "This letter is part of my formal
9 application to PGY2, the residency position
10 available at the department of ophthalmology
11 at New York Medical College."

12 Do you recall receiving this?

13 A. I do.

14 Q. Did you support Dr. Ali's
15 application to the residency program?

16 A. Yes, I did.

17 Q. Why did you support it?

18 A. Because what he does in my lab,
19 what he did for three years, at that time,
20 two years, what he also have produced, his
21 previous records of that he had done, the
22 residency in Egypt, and that was enough
23 knowledge to support in what he does.

24 Q. Did you support his application for
25 residency because he had done so much

1 Sansar C. Sharma

2 volunteer research at the medical college?

3 A. No, that's not the only reason.

4 You have to see what he has done before and
5 sends off his application.

6 Q. Was that part of the reason?

7 A. Of course, his background has to.
8 You can't really propose anybody for any
9 recommendation without having the background.

10 Q. Okay. And during his time working
11 as a research associate with you, did he
12 prove to you, or did you come to understand
13 that he had the skills necessary to
14 successfully complete a residency at
15 Westchester Medical Center?

16 A. Yes.

17 Q. Did anyone in the ophthalmology
18 department express to you any reservation
19 about Dr. Ali's abilities to successfully
20 complete the residency program in
21 ophthalmology?

22 A. Again, would you rephrase the
23 question?

24 Q. Sure.

25 MR. SADOWSKI: First, can we

1 Sansar C. Sharma

2 have it read back?

3 (Whereupon, the requested
4 portion was read by the reporter.)

5 A. At the time the application was
6 submitted, nope.

7 (Sharma Exhibit 3, E-mail,
8 marked for identification,
9 as of this date.)

10 Q. Okay, thank you. I am having some
11 technical difficulties. Bear with me.
12 Showing you now what has been marked as
13 Sharma Number 3, which is an e-mail from Dr.
14 Ali, subject is "request for clinical
15 privileges" and the date is "July 10, 2016."
16 And this is addressed to you and Dr. Wandel.
17 Do you recall this request?

18 A. Yes.

19 Q. Did you support this request?

20 A. Yes and no. Because I am not a
21 clinician. He send a copy and addressed to
22 me, since I am a member of the department. I
23 am not a clinician. This application,
24 basically, pertains to Dr. Wandel. My name
25 is attached as a member of the department.

1 Sansar C. Sharma

2 As far as this goes, yes, I recall very well.

3 Q. Okay. Did Dr. Wandel support Dr.
4 Ali's obtaining clinical privileges in the
5 department of ophthalmology?

6 A. I don't recall, not to me, but if
7 this letter supporting it, he must have.

8 (Sharma Exhibit 4, Letter,
9 marked for identification,
10 as of this date.)

11 Q. Okay. Thank you. I am showing you
12 what's been marked as Sharma Exhibit 4. Can
13 you tell me, do you recognize that document?

14 A. Yes, this is my recommendations
15 about Dr. Ali to the department and to --
16 this application went to wherever he applied
17 -- this letter.

18 Q. Yes. And it bears your signature,
19 correct?

20 A. Yeah.

21 Q. Okay. And in this letter -- let me
22 see. In this letter, you state in the -- in
23 the second paragraph, fourth line here, "Amro
24 Ali, the highest levels of professionalism
25 with committed support for his colleagues.

1 Sansar C. Sharma
2 Amro is extremely productive in envisioning
3 new areas of research and in design and
4 initiation of original studies." Is that a
5 correct statement?

6 A. Yes.

7 Q. And you go through his various --
8 the programs and clinical settings and
9 trainings he has had in the U.S., correct?

10 A. Yes.

11 Q. And then in the penultimate
12 paragraph, you state, "He has excellent
13 clinical diagnostic skills, as a result of
14 both extensive training and experience,
15 paired with a kind personality and solid work
16 ethic"; is that correct?

17 A. Yes.

18 Q. Okay. Do you see the exhibit?

19 A. I cannot read. It's too low. Can
20 you increase it, please?

21 Q. Yes, let's see.

22 Is that better?

23 A. Yes.

24 Q. Okay. Here, Dr. Ali writes to Dr.
25 Wandel and you, "Dear Drs. Wandel and Sharma,

1 Sansar C. Sharma
2 this is my next lecture, and it is in final
3 draft. I am ready for the lecture at any
4 time, as per your convenience. Please see
5 the attachment." Did you review the lecture
6 he was going to give?

7 A. Yes.

8 Q. And did you approve of it?

9 A. The contents were fine.

10 Q. Okay. Is this one of the lectures
11 he gave?

12 Did Dr. Sharma give the lecture
13 that you approved of?

14 A. Dr. Sharma didn't give the lecture.
15 Dr. Ali may have given the lecture. I didn't
16 sit in these lectures.

17 Q. Sorry, I misspoke. Dr. Ali gave
18 the lecture referenced in that e-mail,
19 correct?

20 A. Must have.

21 Q. Okay.

22 MR. MILLUS: Dr. Sharma,
23 your picture has dropped. There
24 you go.

25 A. Okay, the computer went backward.

1 Sansar C. Sharma

2 Okay.

3 (Sharma Exhibit 7, E-mail,
4 marked for identification,
5 as of this date.)

6 Q. Okay. Now showing what's been
7 marked as Sharma 7, it is an e-mail from you
8 to Dr. Ali, dated August 14, 2017. The
9 subject is "New York Medical College
10 description offering a PTY2 position to begin
11 on September 1, 2017."

12 Do you see the exhibit now?

13 A. Yes.

14 Q. This is Sharma Exhibit 7, and you
15 write to Dr. Ali, "I know that Wandel is
16 under pressure."

17 What pressure was Dr. Wandel under?

18 A. To advertise the position for --

19 Q. To advertise a residency position?

20 A. He has to advertise it. That's the
21 pressure.

22 Q. Who applies that pressure?

23 A. Would you repeat the question,
24 please?

25 Q. Who directed Dr. Wandel to

1 Sansar C. Sharma

2 advertise the position?

3 A. Dr. Wandel was and still is the
4 program director of the ophthalmology. His
5 job is to review, advertise, guide, teach.
6 That's his job for the residents. And when
7 the position opens, he was -- obviously, he
8 discussed with me, and the position is that
9 he had to advertise it, before he can offer
10 it. Even if he offer the position, he still
11 had to advertise. Any position, anywhere, in
12 any program, whether it's somebody replacing
13 somebody else, they always have to advertise
14 it if the position is open.

15 Q. Okay. I have a couple of questions
16 to back up. Did you say Dr. Wandel is the
17 current program director?

18 A. To my knowledge, yes.

19 Q. What do you base that knowledge on?

20 A. I haven't been back in the
21 department since the pandemic started, but
22 before that, he was, when I saw him last,
23 yes, he was.

24 Q. I see. So as of the last time you
25 saw him, which was --

1 Sansar C. Sharma

2 A. Probably February or January.

3 Q. Okay. He was director of the
4 department?

5 A. Director of the program, not
6 director of the department.

7 Q. Sorry, director of the program.

8 A. "Program" is "residency program."

9 Q. Thank you. You tell Dr. Ali in
10 this e-mail on the next sentence, "He told me
11 on Friday that if you pass Step 3, you could
12 be in."

13 What is "Step 3"?

14 A. "Step 3" is a clinical examination
15 where people take it. There are three
16 things. Number A, exam 1 and 2. Without
17 that, a resident cannot -- a prospective
18 resident cannot even apply. Number 3 is
19 sometimes done before, some people do it,
20 others do it after they join.

21 Q. Okay. Is it a requirement that
22 residents pass Step 3 to acquire a residency
23 position?

24 A. Not to my knowledge.

25 Q. Was that -- was there a requirement

1 Sansar C. Sharma

2 that Dr. Ali pass Step 3, before commencing a
3 residency position?

4 A. If there is a letter to that
5 extent, yes.

6 Q. Why was it that Dr. Ali had to pass
7 Step 3, before entering the ophthalmology
8 residency position?

9 A. I cannot answer that question. I
10 do not know.

11 Q. Do you know who imposed that
12 requirement on Dr. Ali?

13 A. The answer is still, no, I do not.

14 Q. Were there other individuals who
15 entered the residency program without having
16 passed Step 3?

17 A. At that time, not to my knowledge.

18 Q. At some other time, was that not a
19 requirement?

20 A. I am talking about strictly
21 ophthalmology.

22 Q. Is the requirement in ophthalmology
23 to require a residency not --

24 A. No, there is no written requirement
25 for that.

1 Sansar C. Sharma

2 Q. "No written requirement for" what?

3 A. For asking the resident -- the
4 prospective resident to finish the Step 3
5 exam.

6 Q. Okay. Do you know who created that
7 requirement?

8 A. I think you asked me wrong
9 question. I am not in charge for any of
10 those things. Dr. Wandel will know.

11 Q. Okay. Okay, thank you. Did you
12 ever have a discussion with Dr. Ali about the
13 requirement imposed that he had to pass Step
14 3 to obtain an ophthalmology residency
15 position?

16 A. Will you rephrase the question,
17 please?

18 Q. Sure. Did you ever have a
19 discussion with Dr. Ali about the requirement
20 that he had to pass Step 3 to obtain an
21 ophthalmology residency position?

22 A. To the extent, as the letter would
23 suggest, wherever that letter is -- it should
24 be with you -- to the extent, yes.

25 Q. Well, what did -- did you have a

1 Sansar C. Sharma

2 conversation about it?

3 A. We have -- I don't recall many
4 conversations. We discuss almost everything.

5 Q. Yes, but this is a particular
6 subject that would have been important to Dr.
7 Ali, and I am asking if you recall any of the
8 conversations you had with him about the
9 requirement that he pass Step 3 to commence
10 an ophthalmology residency.

11 A. Not to my knowledge.

12 Q. You don't recall any conversations
13 you had with him about that?

14 A. Until the letter came from him --
15 the letter was sent from Dr. Wandel to Dr.
16 Ali. Until then, no.

17 Q. Well, after that letter was sent,
18 did you have discussions with Dr. Ali about
19 the requirement of passing Step 3?

20 A. With Dr. Ali, yes.

21 Q. What were those discussions?

22 A. That you have to take the exam 3.

23 Q. Did Dr. Ali agree that he had to
24 take Step 3?

25 A. Yes.

1 Sansar C. Sharma

2 Q. What did he say to you? Did he say
3 that Step 3 -- let me rephrase that.

4 Did he ever tell you that, in his
5 view, having to pass Step 3 was unfair?

6 A. Did Dr. Ali ever discuss that with
7 me?

8 Q. Yes.

9 A. Yes, he has.

10 Q. What did he say?

11 A. "Why do I have to take the exam?"

12 Q. Did he show you any papers or rules
13 about having to pass Step 3?

14 A. He talked about it. He never
15 showed me any papers pertaining to that.

16 Q. Okay. We've been going for almost
17 an hour. I suggest we take a five-minute
18 break?

19 MR. MILLUS: Sounds good.

20 THE WITNESS: Sure.

21 (Whereupon, a recess was
22 taken at this time.)

23 BY MR. SADOWSKI:

24 Q. Dr. Sharma, did Dr. Ali complete or
25 deliver on his commitment to your laboratory?

1 Sansar C. Sharma

2 A. I don't understand your question.

3 Q. Did Dr. Ali deliver on his
4 commitment to do research for your
5 laboratory?

6 A. Yes, he did.

7 Q. And for how many years was he not
8 paid for that work?

9 A. He was not paid by me.

10 Q. Or the institution, correct?

11 A. I have -- I don't know about the
12 institution. I didn't pay anything.

13 Q. Okay.

14 MR. MILLUS: I will
15 stipulate that no payments were
16 made, no numeration in the form of
17 cash or otherwise to Dr. Ali, in
18 connection with what I consider to
19 be his voluntary services provided
20 to NYMC.

21 Q. Dr. Sharma?

22 A. Yeah.

23 Q. Why would Dr. Ali continue to work
24 for free for almost three years, without the
25 expectation of some reward at the end of

1 Sansar C. Sharma

2 that?

3 MR. MILLUS: Objection.

4 The question asks for the
5 operation of Dr. Ali's mind, which
6 this witness, of course, would have
7 no idea what that is.

8 Q. Did Dr. Ali tell you what he
9 expected as a reward for his services?

10 MR. MILLUS: Objection to
11 form. You may answer, Doctor.

12 Q. You may answer, Dr. Sharma.

13 A. Did he expect any reward? There
14 are no rewards. This is not a high school
15 that awards are given. As far as I am
16 concerned, his thing was he did the research,
17 and I will highly recommend him for the
18 possibility for accepting him as a resident,
19 and that is done by the department.

20 Q. Did you discuss with Dr. Wandel,
21 Dr. Ali's expectation of obtaining an
22 ophthalmology residency?

23 A. Yes.

24 Q. And did Dr. Wandel agree that he
25 would grant Dr. Ali a residency for his

1 Sansar C. Sharma

2 successful work for you?

3 A. No, he agree only to the point that
4 he will consider when the time comes, when
5 the residency opens and when a position
6 opens.

7 Q. And a position did come open when
8 the resident Starwhite left the program,
9 correct?

10 A. Correct.

11 Q. And Dr. Ali was told that he -- he
12 was offered that position, correct?

13 A. If it's in writing, yes.

14 Q. Okay. You supported his
15 application to that position, correct?

16 A. I have been supporting him ever
17 since, yes.

18 Q. And you have done that because he
19 did so much research for you in your
20 laboratory, correct?

21 A. That's not the only criteria. He
22 has a qualification as well for a residency
23 program anywhere.

24 Q. But, Doctor, isn't it the case that
25 Dr. Ali was working for you, in order to

1 Sansar C. Sharma

2 acquire that residency position?

3 A. It does not --

4 MR. MILLUS: Objection as to
5 form. You are asking the operation
6 of Dr. Ali's mind. It's an
7 inappropriate question. Otherwise,
8 the witness may answer.

9 Q. You can answer, Doctor.

10 A. I said it facilitated because he
11 worked, it became almost impingement that,
12 think about it, he has been working hard, he
13 should be proposed for the residency, yes.

14 Q. Did you observe, in Dr. Ali, any
15 misbehavior while he was working with you?

16 A. No.

17 Q. Was he at all times professional?

18 A. Yes.

19 Q. You have no knowledge of Dr. Ali
20 making any sort of emotional outburst,
21 correct?

22 A. Not in my lab.

23 Q. Or you have not heard that from
24 anyone else either, have you?

25 A. No.

1 Sansar C. Sharma

2 Q. You know Dr. Ali interviewed for a
3 residency position, correct?

4 A. Yes.

5 Q. Did you hear feedback from anyone
6 as to how those interviews went?

7 A. No feedback is ever given to the
8 faculty. I interviewed exactly same time
9 when he was there. I did not interview him.
10 Somebody else did. Who? I do not know.

11 Q. Did Dr. Ali relay to you how he
12 thought the interviews went?

13 A. He said very well. He said it went
14 well.

15 Q. Did he tell you anything else?

16 A. Nope.

17 Q. Did Dr. Wandel tell you that
18 because Dr. Ali is not an American medical
19 school graduate, there are different
20 conditions for him obtaining a residency?

21 A. Not until the letter was offered
22 that he had to take Step 3 exam, and that's
23 all.

24 Q. Okay. And that's a condition that
25 is not imposed on American medical school

1 Sansar C. Sharma

2 graduates, correct?

3 A. Not to my knowledge.

4 Q. Let's get some more exhibits.

5 Showing you what's been marked as Ali Exhibit

6 1, this is taken from New York Medical

7 College, GME policy USML Step 3. Could you

8 take a look at the first two paragraphs, Dr.

9 Sharma?

10 A. I am reading it. Yes.

11 Q. Okay. What is your understanding

12 here of what is required for a resident to

13 enter the program at New York Medical College

14 residency?

15 A. Exactly as it says, which is that

16 you must finish your Step 3 exam in second

17 year of residency program.

18 Q. Right. There is no requirement

19 here that an applicant pass Step 3, before

20 entering the residency program?

21 A. As I gather, looking at this, yes.

22 Q. So the requirement for Dr. Ali to

23 pass Step 3, is contrary to the New York

24 Medical College policy, correct?

25 A. No, because I think that's for most

1 Sansar C. Sharma
2 of the foreign medical graduates. This
3 Exhibit 1 does not say, "foreign medical
4 graduate." It only pertain to the American
5 medical graduates.

6 Q. Where in this document does it say
7 it only pertains to "American medical
8 graduates"?

9 A. That's my understanding. It
10 doesn't say it.

11 Q. Okay. Do you know where that rule
12 is published, that foreign medical graduates
13 have a different rule?

14 A. I do not know. I am not aware of
15 it.

16 Q. Okay. You have never seen that
17 requirement in writing?

18 A. Nope.

19 Q. Okay. Do you recall Dr. Ali
20 attending a meeting with Drs. Hutcheson,
21 Bierman, Wandel, and himself --

22 A. Yes.

23 Q. -- around July 20, 2018?

24 A. I do.

25 Q. Did Dr. Ali report back to you

1 Sansar C. Sharma

2 about that meeting?

3 A. Since I was there, he didn't have
4 to report it.

5 Q. Oh, you attended that meeting?

6 A. There was a meeting which I
7 attended, I just mentioned. That was four of
8 us. No, the meeting which he attended
9 separately with them was a separate -- you
10 are talking about. Yes, he did report
11 something about that meeting to me.

12 Q. What did he report?

13 A. That it was -- were told to him --
14 that's my recollection, it was told to him by
15 the -- Dr. Bierman that maybe he should be
16 happy about it, don't look sad, and that sort
17 of thing, but nothing specific to the point
18 that they were offering any position or
19 anything. None of that. That he was very
20 disappointed and he was a bit saddened by all
21 of it.

22 Q. Saddened about what?

23 A. Whatever they were discussing,
24 which was what his future.

25 Q. His future as obtaining a residency

1 Sansar C. Sharma

2 position?

3 A. As obtaining a residency.

4 Q. And did he tell you what else
5 occurred at that meeting?

6 A. I don't recall, but, you know, I am
7 sure he has said it, but I don't recall
8 because nothing in writing was discussion
9 one-to-one telling me what happened. He was
10 very sad and he left. And I don't think I
11 ever saw him since then.

12 Q. Did he tell you that any security
13 people were at that meeting?

14 A. I still don't understand your
15 question. What in security?

16 Q. Did he tell you that anyone from
17 security, a security official, came to that
18 meeting?

19 A. Not to my knowledge.

20 Q. Okay. Did you discuss that meeting
21 with Dr. Wandel?

22 A. The very last meeting, I have not
23 spoken to -- since then -- to anyone about
24 this affair.

25 Q. Okay. Before we started talking

1 Sansar C. Sharma

2 about the July 20th meeting, you mentioned
3 there was a meeting that you attended.

4 A. There was a meeting between Dr.
5 Hutcheson, Dr. Ali, myself, and Dr. Wandel.

6 Q. And what happened at that meeting?

7 A. We discussed -- we proposed and he
8 proposed that he should be given a chance to
9 -- for the residency, and -- it was a
10 half-hour meeting. I cannot remember all the
11 details, but it was, sort of, let down for
12 him. The meeting was that he should be
13 seeking some other program, or he should
14 apply again if he think it's right for the
15 match, and if that doesn't work, he should
16 apply somewhere else, and they will support
17 him for doing the research somewhere as a
18 full-time paid physician.

19 Q. At that meeting, was there a
20 suggestion made that Dr. Hutcheson review Dr.
21 Ali's work for a period of time to test him
22 out?

23 A. Yes, I made the suggestion.

24 Q. And what was the response to that
25 suggestion?

1 Sansar C. Sharma

2 A. Nothing.

3 Q. Did the issue come up of Dr. Ali
4 working for almost three years with the
5 expectation that he was going to have a
6 residency?

7 A. The only thing I can recall is
8 that --

9 MR. MILLUS: Hold on,
10 Doctor. Note my objection to the
11 form, but you can answer.

12 Q. You can answer, Dr. Sharma.

13 A. Could you repeat the question? I
14 don't remember now. Would you please repeat
15 the question?

16 Q. During that meeting, did it come up
17 that Dr. Ali felt that there had been a
18 promise to him that after three years of
19 research -- successful research work, he
20 would be given a residency in the
21 ophthalmology residency program?

22 A. Not exactly the way you are talking
23 about, those things are never discussed. The
24 only thing which comes up is we will
25 consider, but at that time, 2018, he is

1 Sansar C. Sharma
2 already been taken one interview for the
3 residency in 2016, and after that, he was not
4 accepted as a resident. He was not offered
5 the residency, as I gather, in 2016, and once
6 he is turned down, I don't think anybody gets
7 a residency program, unless there is some
8 other circumstances.

9 Q. Why was he turned down during the
10 2016 application?

11 A. That, I have zero information
12 because I did not interview, I did not
13 evaluate him. That is Dr. Wandel's job, who
14 proposed to the ACGME, the match, exactly
15 where the standings are, and the match means,
16 basically, isn't always in favor of the
17 resident. Let's say you have residency
18 interviews, who match you the first one, they
19 get first match. You may not get a match. I
20 cannot answer that question to any extent
21 that except he was not -- he did not match in
22 the program. Where was his standing -- I
23 have not idea.

24 Q. Did you have a discussion with Dr.
25 Wandel about why he did not match?

1 Sansar C. Sharma

2 A. Nope. Because immediately after
3 that he was offered a position, as you
4 already mentioned, that there will be a
5 position opening for the PGY2. That was your
6 Exhibit 2 or 3, whatever it was, that year,
7 and that he had to pass Step 3 exam. That,
8 to me, suggests that he, Wandel, were trying
9 his at most, after the match, to find a
10 position for him.

11 Q. Was that Dr. Wandel's answer to his
12 promise to Dr. Ali, that he would get Dr. Ali
13 a residency position?

14 MR. MILLUS: Objection to
15 form. You can answer.

16 A. I don't think you understand the
17 process. I think he wrote to him a letter
18 that the position is opening, you can join
19 the position when you pass the exam. Please
20 remember, there was no chairperson at that
21 time in the department. Dr. Hutcheson --

22 Q. What difference does that make?

23 A. Because the decision was what he
24 was making, Dr. Wandel. He made the decision
25 as program director, and once the full-time

1 Sansar C. Sharma

2 chairperson comes in, they take over the
3 position for selecting the candidates.

4 Q. Wasn't Dr. Wandel supportive of Dr.
5 Ali's obtaining a residency?

6 A. He supported to the extent that he
7 offered him a possibility for PGY2, provided
8 he finish exam 3.

9 Q. But that was a requirement that Dr.
10 Bierman said; isn't that correct?

11 A. To my knowledge, yes. I haven't
12 seen the letter from Dr. Bierman saying that,
13 but Dr. Wandel mentioned that it was asked of
14 him, that he had to pass the exam 3.

15 Q. And did Dr. Wandel tell you what he
16 thought about Dr. Bierman's requirement that
17 Dr. Ali pass Step 3?

18 A. Not to me, not in writing, not in
19 discussions.

20 Q. Was there ever -- do you know who
21 Dr. --

22 A. Beg your pardon? I cannot hear.

23 Q. Do you know who Dr. Daniel is?

24 A. Daniel was a student of New York
25 Medical College. He worked in my lab too.

1 Sansar C. Sharma

2 Q. Okay. Daniel?

3 A. For three years.

4 Q. Did he obtain any residency
5 position?

6 A. He was offered a residency
7 position.

8 Q. And did he keep that residency
9 position?

10 A. I beg your pardon?

11 Q. Did he accept the residency
12 position?

13 A. He is now a senior resident right
14 now.

15 Q. And did Dr. Daniel go through the
16 San Francisco Match?

17 A. Everybody has to go through San
18 Francisco Match.

19 Q. Are there some residents who don't?

20 A. I don't think there is anyone who
21 doesn't apply to the match. Nobody is picked
22 up right away, unless there is a later
23 position opened after the match.

24 Q. Right. If a position opens after
25 the match, it can be filled by someone

1 Sansar C. Sharma

2 outside the match?

3 A. That could be outside the match,
4 yes.

5 Q. Okay. Can positions be created and
6 then filled by someone outside the match?

7 A. If a position opens up --
8 "creation" is the wrong word for it.
9 Position opens, somebody left, there is a
10 possibility, if they need the resident, they
11 apply, which he had to, again, advertise it
12 as position open.

13 Q. Aren't there residents who don't
14 apply and are accepted into the residency
15 program?

16 A. How is it possible, when you don't
17 apply? Why would anybody accept you?

18 Q. Do you recall a resident who had
19 worked for Dr. Hutcheson in Qatar, who
20 obtained a residency in New York Westchester
21 Medical Center?

22 A. To my knowledge, and, practically,
23 Dr. Wandel knowledge, which we talked about,
24 we were not aware of that who was coming in
25 and under what condition was he or she -- we

1 Sansar C. Sharma
2 never asked, nobody ever offered the position
3 -- nobody ever offered us the explanation.

4 Q. So you don't know why the resident
5 from Qatar, how he got his position in the
6 residency?

7 A. I have no idea.

8 Q. Do you know if it was advertised?

9 A. I have no idea.

10 Q. Was that resident interviewed,
11 before given the residency?

12 A. Not by me, or not by Dr. Wandel.

13 Q. Was he interviewed by anyone else?

14 A. I have no idea. Because she was a
15 new chair, and this is a position she had,
16 what she did with that, we have no privy to
17 that information.

18 Q. Okay. Do you have any knowledge or
19 information about Dr. Eric Rosenberg
20 reporting on his interview with Dr. Ali?

21 A. Only through Ali.

22 Q. What did Dr. Ali say?

23 A. Oh, it went very well.

24 Q. Okay. Did Dr. Rosenberg ever
25 express to you his support for Dr. Ali

1 Sansar C. Sharma

2 joining the residency program?

3 A. As many time as I can say, yes,
4 yes.

5 Q. At some point, you know that Dr.
6 Ali was sent to Metropolitan Hospital to
7 begin his orientation for starting the
8 residency program?

9 A. Yes, there is a letter to that
10 somewhere, and he went there for the
11 orientation and details of that -- how to do
12 things. Yes, he went there.

13 Q. And that was in preparation for
14 entering the residency program, correct?

15 A. I...

16 Q. I'm sorry, I didn't get your
17 answer.

18 A. I said, "yes."

19 Q. Okay. Did Dr. Ali ever express to
20 you that he felt discriminated against as a
21 foreign medical graduate?

22 A. Those notions were expressed many
23 times.

24 Q. Can you tell me how often and how
25 they were expressed?

1 Sansar C. Sharma

2 A. Number 1 was, why does he have to
3 take the exam, number 3, Step 3. Number 2,
4 when he didn't pass the exam, he was very
5 frustrated, he think it's unnecessary that
6 they are putting pressure on him to pass, and
7 subsequent to that, couple other times
8 talking about same thing, that he has been
9 put to take the exam Step 3, before entering
10 into the residency program.

11 Q. And, ultimately, do you know, did
12 Dr. Ali pass Step 3?

13 A. I -- yes, he did pass Step 3.

14 Q. Okay.

15 A. That's when I wrote him an e-mail
16 that this horror is over, that he finally
17 pass Step 3.

18 Q. What do you mean by horror?

19 A. Well, he had been out from studies
20 for eight, nine years for the exams. When he
21 took the exams he did not pass. I gather
22 it's twice, but I may be wrong there. I am
23 not exactly sure of. But he took the exam,
24 he failed. He has a family to support, he
25 has children, and all those things, and under

1 Sansar C. Sharma
2 pressure, he took the exam, second time, he
3 pass. Second or third time, I don't know.
4 But he passed the exam, he told me he passed
5 exams, was very happy about it, I said, "now
6 the nightmare is over. Hope something work
7 out."

8 Q. And at that point, did anyone
9 discuss, that you know of, with Dr. Ali about
10 getting him into the residency program now
11 that he had passed Step 3?

12 A. As I gather, nobody discussed with
13 me anything.

14 Q. Okay. Did Dr. Ali discuss with you
15 that now that he had passed Step 3, he can
16 enter the residency program because he has
17 met all the requirements?

18 A. If there was position open, yes.

19 Q. Okay. Let's see if we can put up
20 another exhibit. Showing you what has been
21 marked as Ali Exhibit 5, this is a letter
22 from New York Medical College School of
23 Medicine, dated "April 7, 2016," to Dr. Ali
24 from Douglas Miller, Dean, School of
25 Medicine. Have you ever seen this document

1 Sansar C. Sharma

2 before?

3 A. Yes, I have.

4 Q. What's your understanding of it?

5 A. That he was appointed as an
6 assistant professor, clinical assistant
7 professor, and at recommendation of Dr. Wong,
8 that he will teach, and give lectures, and do
9 research.

10 Q. Okay. And attached to this letter
11 are the New York Medical College SOM policies
12 and procedures. Do those policies and
13 procedures apply to faculty members?

14 A. Repeat the question. What is the
15 question?

16 Q. The question is: The attachments
17 here have a -- have the policies and
18 procedures, office of faculty affairs,
19 faculty handbook, do those policies and
20 handbooks apply to Dr. Ali?

21 A. Everyone. If he was appointed as a
22 faculty members, all the rules and
23 regulations for the faculty apply to
24 everyone.

25 Q. So he would be treated like every

1 Sansar C. Sharma
2 other employee of New York Medical College?

3 A. Yep.

4 MR. MILLUS: Objection as to
5 form. Go ahead.

6 Q. Did you understand Dr. Ali to be an
7 employee of New York Medical College?

8 A. At that --

9 MR. MILLUS: Objection as to
10 form. You are asking this witness
11 to give a definition or to express
12 if he was an employee under the
13 legal definition and he is
14 incapable of doing so.

15 MR. SADOWSKI: I am asking
16 for his personal understanding.

17 MR. MILLUS: Note my
18 objection.

19 Q. Can you answer, Dr. Sharma?

20 A. Pardon me.

21 Q. Can you answer?

22 A. Repeat the question.

23 Q. Did you understand Dr. Ali as an
24 employee of New York Medical College?

25 A. Yes, it was a necessary thing to

1 Sansar C. Sharma

2 apply for the IRBs. Without that, you could
3 not apply for IRB as outsider.

4 Q. I see. So in order to apply for
5 the IRBs, as he did on, at least, two
6 occasions --

7 A. Two or three occasion, yeah.

8 Q. Yeah -- Dr. Ali had to be an
9 employee of the medical college?

10 MR. MILLUS: Same objection.

11 A. Exactly.

12 Q. Okay. Thank you.

13 Did you understand that the faculty
14 rules applied to Dr. Ali?

15 A. I assume so. I don't know the
16 answer.

17 Q. Did you understand that Dr. Ali had
18 the -- had the same obligations to New York
19 Medical College as other employees?

20 MR. MILLUS: Objection as to
21 form. You can answer, if you know.

22 A. Again, I repeat my answer, in order
23 to apply for IRBs, it would be preferable
24 that he is appointed for NIH grant or any
25 other grants coming from college, you require

1 Sansar C. Sharma
2 a letter of this nature to be able to submit
3 the applications anywhere, then it become the
4 college responsibility that he is applying
5 through the college for different agencies.

6 Q. I see. So not only through the
7 IRBs, but for the grants, it's necessary to
8 represent that Dr. Ali is an employee of the
9 medical college?

10 A. How else can one apply? If he is
11 applying for New York Medical College, you
12 need appointment to be able to apply.

13 Q. I see.

14 A. You cannot be a student or -- a
15 resident can apply only for IRB, but not for
16 the grants, unless it is approved by the
17 institutions.

18 Q. Understood. Can someone who is not
19 a faculty member apply for an NIH grant?

20 A. Nope. Not from the institution.
21 You cannot send a private application to NIH.
22 It does not work.

23 Q. Okay. So as an individual
24 physician, one could not apply for a grant
25 from NIH?

1 Sansar C. Sharma

2 A. Nope. Not to my knowledge.

3 Q. Okay. Okay, showing you now what
4 has been marked as Ali 7, this is a letter
5 from Metropolitan Hospital Center by Dr.
6 Wong, the interim chairman, to Dean Miller,
7 and this is the request by Dr. Wong to have
8 Dr. Ali appointed as a full-time instructor;
9 is that correct?

10 A. If you haven't read it, I can read
11 to you. "On board in the department of
12 ophthalmology as a full-time instructor. He
13 is an experienced researcher and will be
14 submitting grant and IRB proposal. This is
15 in line with your recent initiatives to
16 enhance the research at School of Medicine."

17 Q. Do you understand what he is
18 referring to as the "recent initiatives to
19 enhance research"?

20 A. Which is normal in every
21 institution.

22 Q. Was there a particular need at New
23 York Medical College to enhance the research?

24 A. I said this is specific -- almost
25 anytime -- we were under -- at that time

1 Sansar C. Sharma
2 under the probation of the ACGME. So it is
3 one of the important things to produce more
4 research to show that, yes, we are actively
5 involved with things.

6 Q. And that's one of the reasons Dr.
7 Ali was hired, correct?

8 A. No, again, you are, again, missing.
9 I hired Ali to join my lab. He was given
10 this position, as it says in the letter, to
11 initiate and enhance the research in the
12 department.

13 Q. And did he succeed in doing that?

14 A. "In doing" what?

15 Q. In enhancing the research of the
16 department?

17 A. We discussed earlier that he
18 published eight papers while he was there
19 with me and applied for few grants.

20 Q. And was that, in your view,
21 successfully completing his job requirements,
22 as you had hired him to do?

23 A. This letter has nothing to do with
24 my asking him to join my lab. He joined my
25 lab and we publish the papers. And highly

1 Sansar C. Sharma
2 supported him and recommended him for the
3 residency. Whether this fulfill anything or
4 not, I have no idea because the department
5 provision was lifted before this letter was
6 even sent.

7 Q. Okay, understood. Showing you now
8 what's been marked as Ali 10, it's a letter
9 to "Charles Hathaway, PhD, Office of Research
10 Administration."

11 A. Can you blow it up, please?

12 Q. Yes.

13 A. Increase.

14 Q. Yeah. The project entitled "Impact
15 of Bariatric Surgery on the Course of
16 Diabetic Renopathy." It says, "Drs. Ali and
17 Paul will be investigating the effects of
18 bariatric surgery on outcomes associated with
19 diabetic renopathy." Is this one of the
20 research projects Dr. Ali worked on?

21 A. This is a research project he would
22 have loved to have work on and he was
23 applying for IRB.

24 Q. Okay. Was the IRB successful?

25 A. Nope.

1 Sansar C. Sharma

2 Q. He didn't produce any report on
3 this?

4 A. Sorry, I'm not following your
5 question.

6 Q. Was any of this study published?

7 A. I said he did not get the IRB, so
8 he did not get initiated into the studies.

9 Q. Okay, understood.

10 A. It's too small to read.

11 Q. I understand. I am going to
12 increase it. Okay, Ali Number 7. This is
13 from the British Journal of Ophthalmology to
14 Dr. Ali. Your manuscript entitled "Acute
15 Retinal Necrosis and Contralateral Cutaneous
16 Eruption Following Shingles Vaccine." Is
17 that a research that Dr. Ali did?

18 A. The research -- the collection of
19 the data was done somewhere else. He then
20 sat down and analyze the data and wrote while
21 he was working with me, and that's when we
22 corrected the manuscript and submitted.

23 Q. Was this published?

24 A. Yes.

25 Q. Here we have Ali Exhibit 12.

1 Sansar C. Sharma

2 Again, from the British Journal of
3 Ophthalmology.

4 A. Uh-huh.

5 Q. And this is about a manuscript
6 entitled "Intravitreal Injection of
7 Triamcinolone Acetonide as an Adjunctive
8 Treatment for Uveitis Patient Undergoing
9 Cataract Surgery." Was this manuscript
10 published?

11 A. Yes.

12 Q. Okay. And this, again, was Dr.
13 Ali's research?

14 A. That's right.

15 Q. Thank you. Okay. Do you know who
16 Sara Palladino is?

17 A. No.

18 Q. Okay. This e-mail to Dr. Ali -- it
19 appears he is being invited to interview at
20 the residency program for ophthalmology on
21 Tuesday, December 6, 2016.

22 A. Yes, he gave me a copy of that.

23 Q. And I take it you -- I think you
24 answered this before, but no one other than
25 Dr. Ali gave you feedback from his interview

1 Sansar C. Sharma

2 experience?

3 A. Correct.

4 Q. Did Dr. Ali inform you with whom he
5 had interviewed?

6 A. I don't recall that. It was
7 definitely not me.

8 Q. Okay. Here's an e-mail from Ms.
9 Palladino. "Dear Amro Ali," and it lists the
10 ophthalmology e-mail residents. Do you know,
11 are these the residents with whom Dr. Ali
12 interviewed?

13 A. I do not know because they all sit
14 together. Which one interviewed him, I do
15 not know.

16 Q. When you interview resident
17 applicants for residency, do you take notes?

18 A. No, there is a form, we fill up the
19 forms after the interview, and we submit it
20 to the program director.

21 Q. What do those forms look like?

22 A. Evaluate the candidate and specific
23 comments when we talk about that, and make
24 recommendation of one to ten, what would you
25 put in each category, and what you think

1 Sansar C. Sharma
2 about the candidate. I don't recall all
3 detail. It's standard form of the department
4 in which the evaluation, whoever is
5 interviewing it, write down their comment,
6 and the scoring, and that sheet is given
7 directly to Dr. Wandel.

8 Q. Okay.

9 MR. SADOWSKI: I am going to
10 call for the production of the
11 evaluation sheets from the
12 interviews of Dr. Ali. We will
13 follow that up with a writing.

14 MR. MILLUS: Yes, I will
15 take it under advisement. Thank
16 you. Please do.

17 MR. SADOWSKI: Okay.

18 Q. Do you know if Dr. Ali reached out
19 to the ACGME to inquire about the requirement
20 that he pass Step 3 to obtain a residency
21 position?

22 A. Again, would you please repeat the
23 question.

24 Q. Yes. Do you know if Dr. Ali
25 reached out to the ACGME about the

1 Sansar C. Sharma

2 requirement that he pass Step 3, before
3 obtaining a residency position?

4 A. Yes, he told me so.

5 Q. Okay. Did he show you this e-mail,
6 which is Ali 18?

7 A. That e-mail, I have no idea about.
8 He did on his own, the details, and he told
9 me about it, but that's it. I never seen the
10 e-mail which you are showing me here.

11 Q. Okay. Did he tell you what ACGME
12 replied to his inquiry about the requirement
13 of passing Step 3, before obtaining a
14 residency?

15 A. Yes, verbally.

16 Q. What did he say?

17 A. That there is no requirement
18 according to them for Step 3.

19 Q. Okay. And did you then speak to
20 anyone else about that subject?

21 A. No.

22 Q. You did not discuss that with Dr.
23 Wandel?

24 A. No.

25 Q. In any of the meetings you attended

1 Sansar C. Sharma

2 regarding Dr. Ali, was this discussed, the
3 response from ACGME?

4 A. Nope.

5 Q. Okay. I am showing you now what's
6 been marked as Ali Exhibit 21. Do you
7 recognize what this document is?

8 A. Nope.

9 Q. Oh, the department newsletter, you
10 don't see those?

11 A. I don't recall it, but this comes
12 maybe two or three times a year. I don't
13 recall this specific one you are talking
14 about.

15 Q. Okay. Going down here -- see if we
16 can increase the size of this.

17 A. Yeah, okay.

18 Q. Okay. Here it has "research
19 updates," mentioning you and Dr. Ali.

20 A. Yes.

21 Q. Is this one of the -- some of the
22 research that was published?

23 A. This is the department -- how shall
24 you say, say, promotion letter, this is
25 what's going on in the department and who is

1 Sansar C. Sharma

2 doing what.

3 Q. Okay.

4 A. And Dr. Ali has published, I said,
5 eight papers, so, obviously, the name was
6 there for that purpose.

7 Q. Going up a little bit. This
8 individual, Dr. Asmeer Shwiki -- do you know
9 who that is?

10 A. Yes, he -- we only -- I met him,
11 not "we." I think most department met him
12 when he joined the department and appeared as
13 a resident.

14 MR. SADOWSKI: Can we have
15 that answer read back?

16 (Whereupon, the requested
17 portion was read by the reporter.)

18 Q. So is it your understanding that
19 the department met him, after he became a
20 resident?

21 A. Yes. The simple answer is "yes."

22 Q. Okay. Did he go, if you know,
23 through the San Francisco Match?

24 A. As I said, I have no idea.

25 Q. Do you know if he was filling an

1 Sansar C. Sharma

2 open position when he arrived as a resident?

3 A. I have zero idea about that either.

4 Q. Okay. Is this the resident who had
5 worked with Dr. Hutcheson in Qatar?

6 A. We were told afterward by Dr.
7 Hutcheson, she knows him from there.

8 Q. Do you know if he had an NIH grant?

9 A. I do not know.

10 Q. As a resident, would he be able to
11 have a -- apply for an NIH grant?

12 A. As a -- not as a principal
13 investigator, as a secondary investigator
14 with somebody else.

15 Q. I see. Do you know if he was
16 working on -- as any kind of an investigator
17 on an NIH grant when he came to Westchester?

18 A. Never -- I said I never met him
19 until he came and I have no idea what he done
20 before.

21 Q. Okay. Very well. Thank you.
22 Okay, I am going to show you now Ali Exhibit
23 23, the "Westchester Medical Center resident
24 fellow agreement terms of appointment,
25 policies and procedures," and I am going to

Sansar C. Sharma

scroll down to page 40 of the document. This is -- okay, let me enlarge this. Okay. This is page 40 of that document, and in the "policy" paragraph, as we've seen before, "It is a policy of the Westchester Medical Center that every WMC based categorical residency training program at WMC required trainees to pass Step 3 of the USMLE or COMLEX examination sequence, prior to the end of their second year of training. Every WMC residency program must have a policy that stipulates a deadline by which its residents must take and/or pass the USMLE or COMLEX Step 3 exam, and that policy must be consistent with WMC and New York Medical College policy. Residents must fulfill this requirement in order to be considered in good academic standing, and as an essential element of completing a residency program."

Now, nowhere in this policy statement does it differentiate between foreign medical graduates and American medical graduates; is that correct?

A. As it says, there is no mention of

1 Sansar C. Sharma

2 that.

3 Q. In fact, it says, "This policy
4 applies to all residencies" -- "all residency
5 programs," correct?

6 A. As it says, I would go by this. I
7 have never seen this document in my life.

8 Q. Oh, okay. That's fine. But did
9 you understand this as --

10 A. Sure, I understand it. I just read
11 it and I understand it.

12 Q. Okay. And, again, there is no
13 requirement in here that it's different for a
14 foreign medical school graduate than an
15 American medical school graduate?

16 A. If it is in there on this page,
17 then it must not exist. I do not know the
18 answer.

19 Q. Okay. Fair enough. Showing now
20 what has been marked as Ali 26. Have you
21 ever seen this document before?

22 A. Yes.

23 Q. Okay. Did you see it before you
24 hired Dr. Ali?

25 A. This does not pertain to my hiring,

1 Sansar C. Sharma

2 but I know what he has done. I said, as a
3 researcher, this has -- this is the
4 application if you want to apply somewhere,
5 this is a format of NIH.

6 Q. I see.

7 A. In which you write down who you
8 are, what you have done.

9 Q. Okay. So at some point while Dr.
10 Ali was working with you, did you have an
11 opportunity to see this document in
12 connection with his grant applications?

13 A. Yes.

14 Q. Okay. And this document -- what is
15 this? This is Ali Exhibit 27. During the
16 course of Dr. Ali's submitting grant
17 applications under your supervision, did you
18 see this document?

19 A. I have seen this document when he
20 applied for the residency.

21 Q. But not before?

22 A. This does not pertain to this
23 report. It is unnecessary.

24 Q. Okay. So the first time you saw it
25 was when he applied for residency?

1 Sansar C. Sharma

2 A. Correct.

3 Q. Okay. This is Ali 28. Let's see
4 if I can...this is in connection with his --
5 either his work in grant applications or in
6 applying for residency, did you see this
7 document?

8 A. This is part of his CV for the
9 applying for the residency and that's the
10 only time I saw all of that documents of his.

11 Q. Okay. And I know it's faint on
12 this document, but if you can make out on
13 here, it states "pass" and it gives a score?

14 A. Yeah.

15 Q. Okay.

16 A. I am aware of that, yes.

17 Q. Okay. And here is the Step 2
18 report, Ali 29. When was the first time that
19 you saw this?

20 A. Again, when he applied for the
21 residency.

22 Q. Okay. But at no time before it?

23 A. Nope. There is no need for those
24 to know to do research.

25 Q. Okay. When you had your meeting

1 Sansar C. Sharma
2 with Wandel, Bierman, and Hutcheson, the
3 meeting without Dr. Ali, was anyone taking
4 notes?

5 A. I have no idea. I don't recall
6 anything. I am sure somebody -- the
7 secretary is there. Is she taking notes, I
8 do not know.

9 Q. Was Ms. Hodges at that meeting?

10 A. She was the secretary. Yes, she
11 was sitting there.

12 Q. Okay. Is it her role, usually, to
13 take notes during meetings?

14 A. I think first time I ever attended
15 that sort of meeting.

16 Q. Okay.

17 A. So I do not know.

18 Q. Okay. Did you see her taking any
19 notes?

20 A. I do not recall.

21 Q. Okay.

22 MR. SADOWSKI: Let's take a
23 fifteen-minute break. If everyone
24 -- if that's okay with everyone.

25 MR. MILLUS: That's fine,

1 Sansar C. Sharma
2 and although I am sure you have
3 more to do, you have any idea, Rob,
4 how much further you have?

5 MR. SADOWSKI: I have a hard
6 stop time. But I am going to
7 estimate that I will probably be,
8 at most, another hour, if I don't
9 have any more technical problems.

10 MR. MULLINS: Thank you.

11 (Whereupon, a recess was
12 taken at this time.)

13 BY MR. SADOWSKI:

14 Q. Dr. Sharma, we looked at this
15 exhibit before, Exhibit 7, where you write to
16 Amro, "He has to advertise it." And we
17 talked a little bit about that Qatar
18 resident. That residency that he positioned
19 -- he took was not advertised, was it?

20 A. I said I have no idea at all
21 because we only saw this person suddenly
22 appear in the department.

23 Q. Okay. So you never saw an
24 advertisement for him?

25 A. No.

1 Sansar C. Sharma

2 (Sharma Exhibit 8, E-mail,
3 marked for identification,
4 as of this date.)

5 Q. Dr. Sharma, showing you what's been
6 marked as Exhibit 8, Sharma 8, Dr. Amro --
7 Dr. Ali writes to you, "Dear Dr. Sharma,
8 sorry to disturb you. Should I register for
9 SF Match? Please let me know ASAP, as it
10 takes time to register and to process my
11 application." Dr. Ali is asking if he should
12 register for the San Francisco Match; is that
13 right?

14 A. Yes.

15 Q. Okay. And then you write back to
16 him, "Amro, I cannot answer this question
17 until I talk to Wandel and the chairperson."
18 Did you talk to Wandel and the chairperson
19 about Dr. Ali's request to you about applying
20 to the San Francisco Match?

21 A. The answer, yes, I did. The answer
22 was it's up to him to apply or not apply.

23 Q. Was there anything else that was
24 said in your conversations with Dr. Wandel or
25 the chairperson?

1 Sansar C. Sharma

2 A. None whatsoever because this is now
3 January 3, 2018. The new chair is there, and
4 so is Dr. Wandel, and there was no position
5 open. He already had one interview before.
6 And he was asking, "Should I apply for it or
7 not?" I said, "I will ask them what they
8 suggest," and the answer is, it's up to them
9 -- up to him, Ali, to apply or not to apply.

10 Q. Okay. And did you tell that to Dr.
11 Ali?

12 A. Yeah.

13 Q. Did you advise him as to whether he
14 should apply?

15 A. I don't recall, exactly, what was
16 the discussion, but we talked practically
17 every day when he was there.

18 Q. Okay. So you would have discussed
19 his quest to obtain a residency position very
20 often, correct?

21 A. Practically every time we talked
22 about that, what's going on, and what his
23 status is, what's exam, have you finished,
24 and all those things are regular -- or were
25 regular, sorry.

1 Sansar C. Sharma

2 Q. So after all this time working for
3 you for free, and his expectation that
4 Westchester Medical Center would provide him
5 with a residency, why did he -- did he tell
6 you why he was continuing to work for free?

7 A. The same idea that I will propose
8 his name and discuss with the department
9 program director and the chair, which I did.

10 Q. So each time you and Dr. Ali spoke
11 about his obtaining residency, you continued
12 to support it each time you spoke?

13 A. I have supported him as late as few
14 months ago. I will always supported him.

15 Q. Showing you, Dr. Sharma, what has
16 been marked --

17 A. 28, yeah, April 4th.

18 Q. So you write to Dr. Ali, "Meeting
19 with the chairwoman at eleven sharp in Macy
20 Ophthalmology, room 1044A, on April 13,
21 Friday. It is a must."

22 A. Sure.

23 Q. What is this meeting about?

24 A. This is first time we went there to
25 talk to the chairperson to please consider

1 Sansar C. Sharma

2 offering him any position if it opens.

3 Q. Okay.

4 A. And we both sat down and I discuss
5 all the background of his, and Dr. Ali talked
6 about what he has done. I think this was the
7 first major conference when we met together
8 with the chairperson regarding him, together.

9 Q. Uh-huh. How long did you prepare
10 together for that meeting?

11 A. There is nothing to prepare. The
12 background there, everything is there.
13 What's to prepare?

14 Q. Dr. Ali writes that "I am working
15 on the agenda already. I will be in your
16 office and we go together, if this is okay
17 with you." Did you review the agenda?

18 A. No, but he had -- I put
19 chronologically what have you done when you
20 came and what you did, so that there is no
21 overlap of information or misinformation.
22 Not jumping from -- starting middle of it.
23 Give rhyme and reason. He had all things
24 prepared and he presented. Actually, I
25 presented it and he corroborated. He usually

1 Sansar C. Sharma
2 mostly kept quiet and I talk to her at length
3 about it, and then he talked about it, that
4 considering that if the position open, he
5 should be considered for the position.
6 That's normal appeal.

7 (Sharma Exhibit 9, Meeting
8 Agenda, marked for
9 identification, as of this
10 date.)

11 Q. I am showing you what's been marked
12 as Hutcheson 10. It's an e-mail from Dr. Ali
13 to Dr. Hutcheson. Have you ever seen this
14 before?

15 A. Yes, he gave me the copy of that.

16 Q. Did you work on it for him?

17 A. I don't recall. I usually have,
18 most everything he had written.

19 Q. Okay. So you edited it for him?

20 A. I may have. I don't recall.

21 Q. Okay. Going through this, and if
22 you want to familiarize yourself with it,
23 just let me know when to scroll down.

24 A. Yeah, continue, please. Yes, I am
25 familiar it. Go next.

1 Sansar C. Sharma

2 Q. Okay.

3 A. I have seen it. I am aware of the
4 whole details, so you can skip it.

5 Q. Okay. So you had an opportunity to
6 review this, before Dr. Ali sent it?

7 A. This is not a support. He is
8 writing it down, all his background, before
9 he appears and talk to Dr. Kelly on his own.

10 Q. Right.

11 A. That's all it was.

12 Q. Yes, but you saw it before he sent
13 it, correct?

14 A. Yeah.

15 Q. Okay. You had an opportunity to
16 edit it, correct?

17 A. I am not absolutely sure, but I
18 said I usually have corrected most of his
19 things. So I may have seen it, but I am
20 aware of that, because I had copy of this,
21 which he gave me afterward.

22 Q. Okay. So is it -- what he says in
23 this letter, is it accurate?

24 A. According to him, yes.

25 Q. Well, you had an opportunity to

1 Sansar C. Sharma

2 read it and edit it, did you?

3 A. Well, I am just telling you, as I
4 see it. Everything in the original is his
5 background with me and what he achieved here,
6 okay?

7 Q. Okay. And --

8 A. To that extent, these are correct.

9 Q. If there had been any factual
10 inaccuracies in this letter, would you have
11 corrected them?

12 A. If I have seen that, I would have,
13 but I don't recall.

14 Q. Okay. Well, but you did see it
15 before --

16 A. Yes.

17 Q. -- he sent it, correct?

18 A. Yes.

19 Q. Yeah. And you edited his work, as
20 you often had?

21 A. Yeah.

22 Q. Okay. So you would have corrected
23 any factual inaccuracies, correct?

24 A. If there were, yes.

25 Q. Okay. Okay. We are now at Sharma

Sansar C. Sharma

10. Okay. In here you are telling Dr. Ali that he "must go to the invitation from Dr. Hutcheson to discuss requirements for New York State Medical Board requirements." Is that the requirement to have to pass Step 3?

A. I'm sorry, repeat last sentence, please, again.

Q. Yes. Is this invitation to discuss the requirements for New York State Medical Board requirements, is that Step 3?

A. Step 3 has nothing to do with this. He is applying for permission to do clinical work through the State of New York.

Q. I see.

A. And he asked Dr. Hutcheson to support and others, and that's what this letter was for, and that's what he was going there to discuss with Dr. Hutcheson.

Q. So I understood that Dr. Ali was approved to go on at Metropolitan for orientation for his residency, that's correct?

A. As the -- his e-mail says, yes.

Q. Okay. So why did you and Dr.

1 Sansar C. Sharma

2 Wandel need to convince her with the need to
3 carry on at Metropolitan?

4 A. I have not convince her. Dr.
5 Wandel had to suggest to her that he is a
6 good candidate, he should be -- to continue,
7 he need the approval from the state.

8 Q. I see.

9 A. Nothing to do with me.

10 Q. So I should be asking Dr. Wandel
11 these questions?

12 A. Exactly.

13 Q. Okay. That's fair. We have in
14 front of us Sharma Exhibit 11, where Dr. Ali
15 writes to you, "Hi, Dr. Sharma. You asked me
16 to sit back and to think after this
17 devastating meeting. It's very clear that I
18 have been treated unfairly and have been
19 discriminated based upon -- based on my age.
20 The position that I have been promised have
21 been created and offered to other candidates
22 who have less qualification and even
23 department did not follow normal logistics
24 that create fair chance for all candidates,
25 as there was no post or even interviews that

1 Sansar C. Sharma
2 give a fair chance like me, work free for
3 department for more than two and a half
4 years, published more than eight manuscripts.
5 I know you are kind, your support, and how
6 much you did for me, but I think it is time
7 for us to meet with Dr. Halperin to present
8 our case. It should be a way to support me
9 after what I did for the department for three
10 years. Please let me know how I can arrange
11 that. I am seeing that there is not enough
12 respect to senior staff in the department and
13 their opinions, which is also not fair." And
14 you write back to him, "Amro, this was
15 perhaps one of the worst weekends. Your
16 thought has been there. It was worse since
17 Janet is away in Toronto. Let me consult
18 with chairman whether your suggestion can
19 work, talking to PD. He needs to know your
20 reaction. I shall call him again today.
21 Sansar." So why do you say, "this is one of
22 the worst weekends"?

23 A. That's my personal statement. I
24 don't have to discuss what my thing was at my
25 home and what happened. This is in relation

1 Sansar C. Sharma
2 to Amro's meeting that he had been basically
3 told that there is no way one can do
4 anything, and he is asking me, please let me
5 know that we can go to Dr. Halperin, who was,
6 at that time, the dean of the medical school.
7 And my recommendations were that there is no
8 need to Dr. Halperin because Dr. Halperin is
9 a dean of the New York Medical College. The
10 positions are primarily from the Westchester
11 Medical Center. It was about the same time
12 when positions of most of the residencies
13 were handled by the Westchester Medical
14 Center. So my suggestion was that looking at
15 his situation, it's really sad what he had
16 been through, and instead of going to -- his
17 request was, "Shall we go together or apply
18 to Dr. Halperin for appeal?" My answer was,
19 "no, it won't help you anything because the
20 final decisions apply with the chair." I
21 have on and out many times recommended to
22 him, it's not the chair of the department who
23 has the power. The dean cannot interfere, do
24 not interfere in general, ever. Department
25 itself decide what to do. What I was saying

1 Sansar C. Sharma
2 was, I was home alone, my wife had to be in
3 Toronto, her brother lives there and others,
4 so let me consult with the chairman whether
5 your suggestion can work, can be -- can I ask
6 her he should go to the Dr. Halperin.

7 Q. Go on, sorry.

8 A. And what I have been telling him
9 was that it does not help with Dr. Halperin
10 -- to go to him. He will not interfere the
11 department internal affairs to hire -- he
12 never sits in any committees of residencies.
13 He was chancellor by that time, and he has no
14 interference with anyone. He never had
15 interfered.

16 Q. Okay.

17 A. Department decide on their own
18 residencies, and the ACGME -- Dr. Bierman,
19 who is in charge of all residencies, he is
20 the one who can be persuaded or should be
21 persuaded. He never went to him for
22 anything.

23 Q. Do you agree with Dr. Ali's
24 statement that he has been treated unfairly?

25 A. Through the extent that he was

1 Sansar C. Sharma
2 given an opening for which he had to take the
3 exam 3, because there was no written rule at
4 that time, but if Dr. Bierman thinks that he
5 had to do it, then he had to do it. There
6 was no other choice.

7 Q. Okay.

8 A. Unfortunately, it took him almost
9 year and a half or two to finish the Step 3.
10 By that time, there was no position. A
11 chairperson has come in, and she dictates
12 what she wanted.

13 Q. Dr. Ali also says, "I have been
14 discriminated based on my age."

15 A. There's only one thing to consider
16 at this juncture. He has been away from the
17 clinical settings, as we gather, as
18 department gather, for long time, and that's
19 I propose to Dr. Hutcheson that he should be
20 give a chance to see whether he is capable at
21 his art, and that's all I could do, and I
22 proposed and they declined. So it's up to
23 him to think whether he was discriminated
24 against or not. But by law, you cannot
25 discriminate. By suggestion, you can do

1 Sansar C. Sharma

2 whatever you want to do.

3 Q. Okay. He goes on to say, "The
4 position that I have been promised had
5 been" --

6 A. The issue here, he was promised,
7 that's correct. Everybody knows that. He
8 knows it. And we all know it. Except the
9 position disappeared when he finish the Step
10 3. There was no position left.

11 Q. Okay. He then goes on to say that
12 it was offered to another candidate who has
13 less qualifications and even the department
14 did not follow the normal logistics that
15 create a fair chance to all candidates.

16 A. Counselor, Counselor, we discussed
17 this issue earlier, and I said, we do not
18 know where this candidate came from, we only
19 knew when he appeared in the department. I
20 was given a lecture to the residents at eight
21 in the morning when he was sitting and I was
22 introduced to him. He appeared, and he is
23 the one who came from Qatar. Whether he was
24 interviewed, or whether it was advertised, I
25 am not privy to that information, and neither

1 Sansar C. Sharma
2 was Dr. Wandel at that time. So conclusions
3 are, was he discriminated or not, I cannot
4 say that. Whether the rules were followed or
5 not, I cannot say. She was the chair. She
6 did what she wanted to do.

7 Q. Do you have knowledge of the
8 qualifications of the candidate from Doha,
9 Qatar, compared to Dr. Ali's qualifications?

10 A. I have never seen his CV. So I
11 have zero -- I have no answer for you.

12 Q. Okay.

13 A. Since I have never seen his CV, I
14 do not know.

15 Q. Okay. But you and Dr. Wandel were
16 not given the opportunity to review his
17 credentials before he was accepted into the
18 residency program, correct?

19 A. When was he accepted, we do not
20 know. Forget the chance of interviewing. We
21 did not know when he was accepted. We do not
22 know under what condition he was accepted.
23 What is his background -- I have no idea.

24 Q. Is that, in your experience, an
25 unusual circumstance for the acceptance of a

1 Sansar C. Sharma

2 resident?

3 MR. MILLUS: Objection to
4 form. You can answer.

5 A. To be fair to the chair, she must
6 have decided based upon what his backgrounds
7 are. I do not know. I cannot answer that
8 question to you. Because for the federal
9 government, the ACGME, they have to have
10 qualification before they can be accepted.
11 Whether he passed Step 1, 2, or 3, and when,
12 I do not know. But he had to have those
13 things.

14 Q. Well, I am asking, in your
15 experience, when residents are accepted into
16 the program, is his acceptance to the program
17 an unusual circumstance?

18 A. The answer I can give you is that
19 as long as I remember, we mostly have the
20 residents who are the American medical school
21 graduates. It's very rare to see a graduate
22 from foreign medical schools.

23 Q. Why is that?

24 A. I cannot answer that. I have no
25 idea, but that's the fact. If they are

1 Sansar C. Sharma
2 matched, and there are too many candidates of
3 the internal American candidates who qualify
4 for that, and usually very rarely anybody
5 comes in from outside who is accepted.

6 Q. Is that because there is a
7 preference for American medical graduates?

8 MR. MILLUS: Objection to
9 form. You may answer.

10 A. That's very hard to answer. I
11 cannot answer that. It's only speculations.

12 Q. Well, from your experience, Dr.
13 Sharma, is there a bias in favor of American
14 medical graduates?

15 MR. MILLUS: Objection to
16 form, and I just want some
17 clarification, Counsel. Are we
18 talking about whoever goes to
19 American school who graduates, or
20 are we talking about Americans as a
21 nationality in American schools? I
22 have to tell you, we are going down
23 a path that is simply unclear. If
24 you are talking about American
25 schools, you have plenty of foreign

1 Sansar C. Sharma
2 people in American schools. You
3 have Americans in foreign schools.
4 I would like some clarification for
5 these questions.

6 MR. SADOWSKI: Fair enough.

7 Q. In your experience, Dr. Sharma, is
8 there a bias towards individuals who are
9 Americans who attend American medical
10 schools?

11 A. "Bias" is a wrong word.
12 Preferences, yes.

13 (Sharma Exhibit 14, E-mail,
14 marked for identification,
15 as of this date.)

16 Q. Okay. Thank you. Okay. Showing
17 you what's been marked as Sharma 14, going
18 down in this e-mail from Dr. Ali to you,
19 dated January 30, 2017, Dr. Ali writes, "I am
20 sorry, to be more clear New York State
21 Medical Board not require me taking Step 3
22 exam to start my residence as IMG, regardless
23 of the license situation. I am specific
24 about the exam." What did you understand Dr.
25 Ali to be saying there?

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2 A. He is trying to tell me that the
3 State has no stipulation that a resident
4 starting the residency should do Step 3 exam.

5 Q. Did you agree with him?

6 A. If that's the law, that's the law.

7 Q. Okay. Did you check the law
8 yourself?

9 A. No, I didn't check anything.

10 Q. Okay. Then attached to this e-mail
11 is the e-mail he received from New York State
12 boards of medicine. Where they write to him,
13 "If you are in an ACGME approved residency,
14 you do not need a limited permit or full
15 license in order to perform the residency,
16 unless the employer requires it. If it is
17 not approved, you will need either the
18 limited permit or the license. The limited
19 permit requires medical education and three
20 years of ACGME approved post graduate
21 training, or six years of non-ACGME approved
22 post graduate training, but not a passing
23 score for USMLE Step 3. The limited permit
24 gives you two years in which to take and pass
25 the exam and it is renewable once. The full

1 Sansar C. Sharma
2 license requires the same education and
3 training requirements, and also a passing
4 score for all three USMLE exams. I hope this
5 answers your question."

6 If I read this correctly, Dr. Ali
7 could enter the residency program with a
8 limited permit, without passing Step 3; is
9 that correct?

10 A. That's what it says.

11 Q. Okay. Did Wandel -- Dr. Wandel
12 sign the papers necessary for the limited
13 permit?

14 A. I cannot answer that. I do not
15 know.

16 Q. Okay. Did you ever discuss that
17 issue with Dr. Ali?

18 A. No, I -- I asked him any questions
19 regarding it, but I never discussed what is
20 the minimum requirement of each department,
21 no. But I know exactly what he told me many,
22 many times.

23 (Sharma Exhibit 15, E-mail,
24 marked for identification,
25 as of this date.)

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2 Q. Okay. Looking at Exhibit 15, let's
3 increase it a little bit. You write to Dr.
4 Ali on July 18, "Amro, I have spent last 1.5
5 hours to make any sense. Please read it over
6 and over again. Please make sure that all
7 attachments are properly referred and not
8 overlapping. Let me know soon what you think
9 about these changes. Call me before I go
10 home." Is this -- are you talking here about
11 the appeal letter to Dr. Hutcheson?

12 A. Yes.

13 Q. Okay. And this was -- you spent
14 1.5 hours reading and editing his appeal?

15 A. Correct.

16 Q. And then you say, "Let me know soon
17 what you think about these changes." Did you
18 have a discussion about your changes?

19 A. I proposed the changes. I am sure
20 he made it before he sent the whole thing,
21 and that he read it before.

22 Q. Okay. So as we read it in the
23 prior exhibit, which was Hutcheson 10, that's
24 the -- that was the version after you had
25 spent 1.5 hours reviewing it and editing it?

1 Sansar C. Sharma

2 A. Correct.

3 Q. Okay. And then you discussed those
4 changes, and I think you said Dr. Ali made
5 the changes?

6 A. I am sure he have because I haven't
7 -- I don't get the reply back from him what
8 he made, but after he make changes, he
9 probably submitted it.

10 Q. Okay.

11 A. It's very simple. I cared for him,
12 so I said, "Hey, do this, this, and this. It
13 will look better."

14 Q. Understood. Have you ever heard
15 anyone speak about Dr. Ali's age?

16 A. I am trying to recall. That he is
17 older than the present residents. All the
18 residents there, he is older than them, yes.

19 Q. You have heard people say that?

20 A. No, Dr. Wandel and I talked about
21 that, and said, "This is his age," and that's
22 the end of it. This is before he even
23 offered him a position. We would talk about
24 this. We talked about all the residents, how
25 they performing, what age are, what the

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2 problems are, because you have to understand
3 that the residency is like a 24-hour job. We
4 know if somebody is not performing, what's
5 the problem. So we know the families, we
6 know -- talk about the family issues, we talk
7 about age issue, we talk about others, in
8 general. So, yes, as guarding, we talked
9 about it. "How old is he?" I said, "this
10 old." "But he looks older." I said, "no, he
11 is not that old."

12 Q. Okay. Was his age considered in
13 whether he was accepted into the residency
14 program?

15 A. I have to correct you again. In
16 the residency ACGME match, he did not match.
17 Afterward, after Dr. Wandel offered him a
18 position. So age will not come into that.
19 If age was reason, he would not have offered.
20 He offered, contingent upon passing exam 3.

21 Q. Did anyone ever tell you that Dr.
22 Eric Rosenberg, who interviewed Dr. Ali for
23 the residency program, wondered whether he
24 would be able to wake up, and, you know, in
25 the middle of the night?

1 Sansar C. Sharma

2 A. Nope. Absolutely not.

3 Q. In the --

4 A. I don't even know who interviewed
5 him for the match.

6 Q. Didn't Dr. Ali tell you who
7 interviewed him for the match?

8 A. No, he said interview went fine. I
9 said, "How was the interview?" The resident
10 always interview a new coming resident, and
11 the faculty always interview, depending on
12 which faculty was assigned to him. I do not
13 know.

14 Q. Okay. Has anyone ever told you
15 that Dr. Ali was not given a residency
16 because of some kind of safety issue?

17 A. Never. Again, in the match, it's a
18 different story. Which one are you talking
19 about -- the match or afterward?

20 Q. Well --

21 A. After match?

22 Q. Either time. If it was -- let's
23 separate it. When the position came open
24 when Starwhite left the program, Dr. Ali was
25 offered a residency position, and required to

1 Sansar C. Sharma
2 take Step 3 exam to be accepted for that
3 position. Did anyone ever mention to you, is
4 the reason to require the Step 3 exam pass
5 was for safety reasons?

6 A. No.

7 Q. Okay. Have you ever seen that in
8 writing?

9 A. No.

10 Q. Has anyone ever suggested that Dr.
11 Ali was not a safe clinician?

12 A. No.

13 Q. Is there anything in your
14 experience with Dr. Ali, that would lead you
15 to believe that he was in some way deficient
16 in clinical skills?

17 A. I'm sorry, let me just shut this
18 phone off.

19 Okay, now, please go ahead. Repeat
20 the question. Sorry.

21 Q. In your experience with Dr. Ali,
22 has anything ever led you to question his
23 qualifications as a clinician?

24 A. I cannot -- I am not a clinician.
25 So I cannot evaluate him as a clinician. As

1 Sansar C. Sharma

2 a scientist, I have no problem. He was fine.

3 Q. Okay. Fair enough. A few more
4 questions.

5 Have you ever heard of the
6 ophthalmology department receiving money or
7 finances in exchange for giving someone a
8 residency?

9 A. Nope. Donations are made by
10 different individuals, but in lieu of the
11 residency, no.

12 Q. Okay. Do you know if anyone made a
13 donation to the ophthalmology department in
14 connection with a resident by the name of Dr.
15 Dose?

16 A. They were already resident when
17 their father, I suppose -- I heard he donated
18 some money to the department.

19 Q. Do we know how much money he
20 donated?

21 A. I do not know.

22 Q. Who would know that?

23 A. At that time, Dr. Wandel, or the
24 acting chair.

25 Q. How do you know that the donation

1 Sansar C. Sharma
2 was done after the resident was accepted into
3 the program?

4 A. You mentioned the name. The
5 donation came from that resident parent --
6 father, but after the fact that he was
7 second- or third-year resident at that time.

8 Q. Okay. So you know the date the
9 donation was made?

10 A. No.

11 Q. Okay. So how do you know the
12 donation was made after the resident was
13 already --

14 A. Because the resident was there.
15 Mr. Dose was -- Dr. Dose was resident, and I
16 know after the residency is going on, and
17 father is supporting the department.

18 Q. Okay. Do you know of any other
19 department support from the family of any
20 other resident?

21 A. I don't.

22 Q. Okay.

23 A. As I said, donations are made
24 regularly, constantly by different patients,
25 and by the parents of the residents, or

1 Sansar C. Sharma
2 sometimes the families, or sometimes the
3 foundations. It's not an unusual thing.

4 Q. It's not an unusual practice for
5 the families of residents to make donations
6 to the department?

7 A. Not to my knowledge. I have never
8 heard of, but not to my knowledge.

9 Q. Okay. As you sit here today, do
10 you believe Dr. Ali deserved a residency
11 position at Westchester Medical?

12 MR. MILLUS: Object to the
13 form. You may answer.

14 A. You know, this is unlimited
15 question. He was offered a position of
16 residency. So why don't you ask the
17 questions? He is capable of and he qualifies
18 for that.

19 Q. But I am asking a different
20 question.

21 A. Please.

22 Q. I'm asking you, based on everything
23 you know, Dr. Ali's credentials, knowledge,
24 experience, and work on behalf of your
25 laboratory, does he deserve a residency

1 Sansar C. Sharma
2 position at Westchester Medical Center?

3 A. He should have been considered, and
4 he still should be considered, yes. If they
5 find him a suitable candidate, yes. If they
6 find somebody else better, that's up to them
7 to decide. But, yes, he deserves to be
8 considered.

9 Q. But in your view, does he deserve
10 -- in your personal view, does he deserve the
11 position in the residency program?

12 MR. MILLUS: Objection as to
13 form. You may answer.

14 A. This is way beyond the timings. He
15 was offered. If he was not considered, he
16 would not have been offered. If the only
17 position it will be matched, and I do not
18 know anybody applying second time on the
19 match getting matched. So people always
20 considered outside of the match, if position
21 open.

22 Q. Okay, but I am asking you,
23 personally.

24 A. I answered it, yes, he should be
25 considered.

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2 MR. MILLUS: Objection.

3 Q. I am not asking you if he should be
4 considered. I am asking you whether he
5 deserves the position.

6 MR. MILLUS: Same objection.

7 A. This is same questions over. I
8 cannot answer that.

9 Q. You have known Dr. Ali for years.
10 You know his work, his personality, his
11 capabilities, and all the work that he has
12 done on behalf of your lab. Based upon all
13 of that, you, personally, believe he deserves
14 the residency position, don't you?

15 A. If they say outside position open,
16 yes. Through the match, no. Because he will
17 never match through the match.

18 MR. MILLUS: Objection.

19 Q. That's not -- you are talking about
20 the "match"?

21 A. No, I said through the match he
22 will not because already have mismatch or did
23 not match.

24 Q. Understood. But I am asking you
25 personally, from what you know, and having

1 Sansar C. Sharma
2 worked with Dr. Ali for years, did he deserve
3 the position that he was offered when
4 Starwhite left the program?

5 MR. MILLUS: Objection to
6 form.

7 A. My answer is still exactly the
8 same. He deserved to be considered for the
9 position by the chair.

10 Q. But I am asking you one step
11 further. You supported his application for
12 residency, correct?

13 A. Counselor, I still support him. I
14 just wrote few letters for him within last
15 three months when he contacted me for similar
16 position outside. If I did not, I will not
17 be supporting him.

18 Q. And you supported him, in part,
19 because he worked for you for three years?

20 A. Because he is a qualified
21 candidate, so I supported him.

22 Q. And because he worked for you for
23 three years. Otherwise, you wouldn't know
24 him.

25 A. I will not know to the extent I

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2 know now, yes.

3 Q. So based upon his three years of
4 work for you, he advanced the research of the
5 department, did he not?

6 A. Yes.

7 Q. For three years, he advanced the
8 research of the department for no pay,
9 correct?

10 A. Correct.

11 Q. The only thing he wanted in payment
12 for that research was a residency. Didn't
13 you understand that?

14 MR. MILLUS: Objection to
15 form.

16 A. I will not answer this question --
17 the payment for something. I will not. I
18 refuse to answer the way you proposing the
19 question.

20 Q. Well, you don't get to just refuse
21 to answer a question.

22 A. No, but then my answer is, as I
23 said, I will propose his name and that's it.

24 Q. And you proposed his name because
25 he worked for you for free for three years,

1 Sansar C. Sharma

2 and he fulfilled the commitment of advancing
3 the research of the department, correct?

4 MR. MILLUS: Objection as to
5 form. You may answer.

6 A. Yes.

7 Q. Yes. So he deserves that residency
8 position based upon his hard work for free?

9 MR. MILLUS: Objection to
10 form.

11 A. That is the job of the chairman of
12 the department.

13 Q. But I am not asking you about the
14 chair of the department. I am asking about
15 you, personally.

16 MR. MILLUS: I object. You
17 might as well ask him something
18 about a question about a trip to
19 Mars. He doesn't know anything
20 about that. This is not his job.
21 Recommendations or otherwise, he is
22 not the one that makes the
23 decision. For you to say, does he
24 deserve it -- he doesn't make the
25 final decision, how can he possibly

1 Sansar C. Sharma

2 know that, Rob? It's unfair. You
3 keep asking.

4 MR. SADOWSKI: I am asking
5 for his opinion as someone who has
6 worked for free for three years,
7 advanced the research and prestige
8 of the department, after that, I am
9 asking him, personally.

10 Q. Do you, Dr. Sharma, believe Dr. Ali
11 deserves a residency position? It's a
12 yes-or-no question.

13 MR. MILLUS: Actually, it
14 isn't. I objected to form. With
15 all due respect, "deserve," in what
16 sense? He doesn't make the final
17 decision, so I don't know how he
18 can possibly testify to that. I'm
19 sorry.

20 MR. SADOWSKI: You know
21 what, I understand he doesn't make
22 the final decision, but I am asking
23 him based upon his experience,
24 based upon the three years that Dr.
25 Ali worked for you and advanced the

1 Sansar C. Sharma
2 research of your department, does
3 he, in your mind, your mind, it
4 doesn't matter what anyone else
5 thinks, in your mind, does he
6 deserve the position as a resident?

7 MR. MILLUS: With that
8 caveat, please answer the question,
9 Doctor. If you can.

10 Doctor?

11 THE WITNESS: Yes.

12 MR. MILLUS: Can you hear
13 me? With that caveat, with a
14 little more meat on the bone with
15 the question itself, can you answer
16 that question? Are you capable of
17 answering it? If so, please do.

18 A. I am not in a position to answer
19 that question.

20 Q. Why? You don't know your own mind?

21 A. I know my mind. I propose his name
22 three times since he left my lab -- four
23 times since he left my lab, that he deserves
24 other places.

25 Q. Yes. And he deserves it, in part,

1 Sansar C. Sharma
2 based upon his three years of hard work for
3 you for free, correct?

4 A. Yes, but I know of him, how good he
5 is because he worked the way he worked.

6 Based upon him, three years ago, he should
7 have given position. Two years ago, in 2018.

8 Q. Is it fair or unfair that he didn't
9 get the position that Starwhite opened up?

10 MR. MILLUS: Objection to
11 form. You may answer.

12 A. I can't -- I can -- listen, I know
13 all this layers of what you are trying to
14 ask. In 2018, answer is yes. Today, I do
15 not know. I don't even interview. I don't
16 know what this set up is. So, therefore, I
17 cannot even say what will be the situation
18 today. In 2018, yes, he should have been.
19 No doubt about it.

20 Q. So let's go back in time. When he
21 applied and was offered the position that
22 Starwhite vacated, did he, in your mind,
23 deserve that position?

24 A. If the position existed,
25 absolutely, yes.

1 Sansar C. Sharma

2 Q. Okay. Is there any doubt in your
3 mind that --

4 A. No.

5 Q. -- the position didn't exist?

6 A. It doesn't exist anymore. It did
7 not exist.

8 Q. That position existed at the time.

9 A. Yes, he would have been in it if
10 the stipulation of Step 3 wasn't there.

11 Q. Okay. I am not asking you about
12 Step 3. I am asking you about whether in
13 your mind he deserved, he earned the position
14 as a residency, the position that Starwhite
15 vacated?

16 A. He deserved it.

17 Q. Thank you. Let's take five minutes
18 and I think I can wrap up.

19 A. Sure.

20 (Whereupon, a recess was
21 taken at this time.)

22 MR. SADOWSKI: I have no
23 further questions.

24 MR. MILLUS: I just have a
25 few.

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2 BY MR. MILLUS:

3 Q. Doctor, are you employed in any way
4 by the Westchester Medical Center?

5 A. You're questioning me?

6 Q. Yes.

7 A. Would you mind repeating the
8 question, please? I couldn't hear it.

9 Q. Are you employed in any way by the
10 Westchester Medical Center?

11 A. Nope.

12 Q. Your employer is NYMC, solely?

13 A. I have an appointment in
14 ophthalmology and -- but I am employed by New
15 York Medical College.

16 Q. Now, when it comes to hiring in
17 your department, do you have the final say on
18 who might be hired?

19 A. In which department? In
20 ophthalmology?

21 Q. Yes.

22 A. No.

23 Q. Do you have a final say in any
24 department?

25 Is there any other department,

1 Sansar C. Sharma

2 other than ophthalmology, that you would be
3 involved in an employment decision?

4 A. Opinions, yes. Final, no.

5 Q. Who makes the final decision within
6 the department of ophthalmology at NYMC as to
7 whether an employee gets hired?

8 A. Chairperson of the department.

9 Q. Who was that in 2015?

10 A. There was nobody full time. There
11 was an adjunct -- acting chair and that was
12 Dr. -- what's his name -- Wong.

13 Q. After Dr. Wong was acting chair,
14 who was chair at that point?

15 A. Before that?

16 Q. After that.

17 A. After?

18 Q. After that.

19 A. Pardon me?

20 Q. After Wong.

21 A. After Wong is the new chair, Dr.
22 Hutcheson. Kelly Hutcheson.

23 Q. Now, you say that they make the
24 final decisions. Do you know that for sure,
25 that the chair of the department can decide

1 Sansar C. Sharma

2 who it may hire at NYMC?

3 A. No, but they only responsible for
4 their own department hiring. When they come
5 down to the chair of the department, then the
6 NYMC is responsible for setting the committee
7 to hire or fire.

8 Q. Is there anyone above the chair
9 that the chair has to speak to, as to whether
10 someone will be employed by NYMC?

11 A. Other than the chair, no.

12 Q. Now, in terms of residency, do you
13 have any role in making the decision, at all,
14 ever, as to whether someone becomes a
15 resident at the Westchester Medical Center?

16 A. No.

17 Q. Who makes that decision above you?
18 Give us titles and names.

19 A. There are usually -- when I will
20 interview, I will write the decisions and the
21 scoring and give it to the program director.
22 Program director will tally the whole scores
23 of all candidates who came for the
24 residencies and with the chair and program
25 director, now, they will send in their

1 Sansar C. Sharma
2 priority list who are the top candidates and
3 who should be chosen.

4 Q. To whom? Who do they send that
5 list to?

6 A. In San Francisco Match. They then
7 look --

8 Q. Go head. Sorry. Continue.

9 A. Pardon me?

10 Q. Continue.

11 A. Okay. They then, in San Francisco
12 Match, they will look at who are our top
13 choices and they will try to match those
14 choices with candidate available, if they
15 have chosen us, then they will be matched.
16 So the match is always in favor of the
17 candidate, provided they are on the top of
18 the list. There are times when the top three
19 choices are not met and the lower candidate
20 comes in. There is also a time, once in a
21 while, when no candidate we proposed match,
22 so none of them match, and the position opens
23 up, and that can be filled by the chair of
24 the department or the program director.
25 First preference usually are to our own

1 Sansar C. Sharma

2 students from New York Medical College.

3 Q. Now, Doctor, I know Counsel was
4 asking questions regarding why would Dr. Ali
5 work for free. Do you recall that?

6 A. "Why would Dr. Ali" -- sorry, what?

7 Q. Why would he work for free.

8 A. I have no idea. His idea was to do
9 some research.

10 Q. Doctor, I am just asking, do you
11 recall the other lawyer asking you questions
12 around those topics?

13 A. Why would he work -- yes, I do.

14 Q. Now, did you make an agreement, a
15 quid pro quo with Dr. Ali, that if he worked
16 for you for free you would get him a
17 residency?

18 A. No.

19 Q. Okay. If, hypothetically speaking,
20 you did make such a quid pro quo, could you
21 ever deliver on it?

22 A. If I had, yes, I will. I only
23 propose. I cannot offer a position.

24 Q. Now, you remember that Counsel
25 showed you an e-mail that was prepared as an

1 Sansar C. Sharma
2 appeal letter for Dr. Ali to Dr. Hutcheson.
3 Do you recall that?

4 A. Yes, I do.

5 Q. Now, do you recall testifying that
6 you edited it in various ways? Do you recall
7 that?

8 A. I recall going there, talking to
9 Dr. Hutcheson about it, recommending my
10 situations, and that's it.

11 Q. In editing that letter, Doctor --
12 by editing it, did you agree with everything
13 that was being written by Dr. Ali?

14 A. I corrected it. I agreed -- no, I
15 will not say that I agree or disagree. He
16 had written his background, which was correct
17 to my knowledge, and I corrected it and send
18 it back to him.

19 Q. Doctor, Counsel asked you questions
20 as to whether Dr. Ali worked hard. Do you
21 recall that?

22 A. I am having hard time hearing you
23 carefully. Can you --

24 Q. Let me see if I can change the
25 volume. I am not quite sure it would do any

1 Sansar C. Sharma

2 good. Hold on.

3 A. I change mine, so I can hear you.

4 Okay.

5 Q. Can you hear me better?

6 A. Okay. Yeah.

7 Q. Do you recall Counsel asked you
8 some questions as to whether Dr. Ali worked
9 hard?

10 A. Yes, I do.

11 Q. And he did work hard, correct?

12 A. Very hard.

13 Q. Did you have any other employees in
14 the ophthalmology department who worked hard?

15 A. Oh, yes. There is one other
16 candidate who was working about same time,
17 and he ended up writing a whole book about
18 the procedures, and he just finished
19 residency -- Eric Rosenberg.

20 Q. Now, in terms of employees working
21 hard, does that entitle them -- automatically
22 entitle them to a residency position simply
23 because they work hard?

24 A. Absolutely not.

25 Q. Okay, Doctor, I have no further

1 Sansar C. Sharma

2 questions.

3 Thank you.

4 MR. SADOWSKI: I have just a
5 couple.

6 BY MR. SADOWSKI:

7 Q. You mentioned, Dr. Sharma, that you
8 had an appointment somewhere?

9 A. I have three different appointments
10 in three different departments.

11 Q. What are those appointments?

12 A. My primary appointment is in
13 ophthalmology and I am --

14 Q. What institution?

15 A. I am a professor of ophthalmology.
16 My tenure is ophthalmology. I do all my
17 teaching and research in cell biology and
18 anatomy department. I was director of the
19 neuroscience for the medical school for 27
20 years. I just gave up year and a half ago.

21 Q. Okay.

22 A. My third appointment is in
23 neurology.

24 Q. Do any of those appointments give
25 you privileges or access to Westchester

1 Sansar C. Sharma

2 Medical Center?

3 A. Only the department of
4 ophthalmology. I go there regularly, not
5 every day, but "regularly" means once a week
6 or once every other week, to go and talk to
7 the resident, and give them the series of
8 lectures every year.

9 Q. Okay. Are you paid by Westchester
10 Medical Center to do that?

11 A. Nope.

12 Q. Okay. After Dr. Hutcheson became
13 chair --

14 A. Yeah.

15 Q. -- did she ever direct Dr. Ali to
16 resign?

17 A. Not to my knowledge, no.

18 Q. You've never seen anything like
19 that?

20 A. Nope.

21 Q. You mentioned in the evaluations
22 that are done during the interviews that
23 there are numerical values attached to
24 certain areas and that the numerical values
25 are tallied in a way to rank the applicants?

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Sansar C. Sharma

A. That's correct.

Q. I have no further questions.

MR. MILLUS: I have none.

Thank you.

-oOo-

(Whereupon, the examination
of SANSAR C. SHARMA, was adjourned
at 3:30 p.m.)

SANSAR C. SHARMA

Subscribed and sworn to
before me this day
of , 2020.

NOTARY PUBLIC

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----- I N D E X -----

WITNESS	EXAMINATION BY	PAGE
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	MR. SADOWSKI	5, 120
	MR. MILLUS	113

----- REQUESTS -----

Page 65...line 10
Production of the evaluation sheets from the
interviews of Dr. Ali

----- EXHIBITS -----

SHARMA		FOR ID.
EXHIBIT 1	E-mail	21
EXHIBIT 3	E-mail	24
EXHIBIT 4	Letter	25
EXHIBIT 7	E-mail	28
EXHIBIT 8	E-mail	76
EXHIBIT 9	Meeting Agenda	80
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(Exhibits digitally retained by court
reporter.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : ss.
COUNTY OF NEW YORK)

I, AYDIL M. TORRES, a Notary Public
within and for the State of New York, do
hereby certify:

That SANSAR C. SHARMA, the witness
whose deposition is hereinbefore set forth,
was duly sworn by me and that such deposition
is a true record of the testimony given by
the witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 21st day of September, 2020.

Aydil M. Torres

AYDIL M. TORRES

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DEPOSITION ERRATA SHEET

Our Assignment No. J6033877

Case Caption: AMRO ALI, M.D. vs. WESTCHESTER
MEDICAL CENTER, ET. AL

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury
That I have read the entire transcript of
My Deposition taken in the captioned matter
Or the same has been read to me, and
The same is true and accurate, save and
Except for changes and/or corrections, if
Any, as indicated by me on the DEPOSITION
ERRATA SHEET hereof, with the understanding
That I offer these changes as if still under
Oath.

SANSAR C. SHARMA

Subscribed and sworn to on the _____ day of
_____, 20____ before me,

Notary Public,

In and for the State of _____

SANSAR C. SHARMA
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

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SANSAR C. SHARMA

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SANSAR C. SHARMA